

**MINUTES
ENVIRONMENTAL QUALITY BOARD
FEBRUARY 19, 2016
DEPARTMENT OF ENVIRONMENTAL QUALITY
OKLAHOMA CITY, OKLAHOMA**

Official EQB Approved
On September 13, 2016

Notice of Public Meeting – The Environmental Quality Board (Board) convened for a Regular Meeting at 9:30 a.m., at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma. This meeting was held in accordance with 25 O.S. Section 311, with notice of the meeting given to the Secretary of State on October 20, 2015. The agenda was mailed to interested parties on February 10, 2016, and was posted at the DEQ and the facility on February 18, 2016. Ms. Kunze, Chair, called the meeting to order. Ms. Fields called roll and a quorum was confirmed. Ms. Turner talked on safety precautions in case of an emergency.

MEMBERS PRESENT

Daniel Blankenship
Shannon Ferrell
David Griesel
Tracy Hammon
Jimmy Kinder
Jan Kunze
Steve Mason
Tim Munson
Homer Nicholson
Billy Sims
Loretta Turner
Cheryl Vaught
John Wendling

DEQ STAFF PRESENT

Scott Thompson, Executive Director
Jimmy Givens, Deputy Executive Director
Martha Penisten, General Counsel
Michelle Wynn, Legislative Liaison
Beverly Botchlet-Smith, Air Quality Division
Cheryl Bradley, Air Quality Division
Catherine Sharp, Administrative Services Division
Chris Armstrong, State Environmental Laboratory Services
Lloyd Kirk, Office of External Affairs
Mathew Hamrick, Chief Procurement Officer
Gary Collins, Environmental Complaints & Local Services
Richard McDaniel, Environmental Complaints & Local Services
Loree Boyanton, Environmental Complaints & Local Services
George Russell, Environmental Complaints & Local Services
Bruce Vande Lune, Environmental Complaints & Local Services
Shellie Chard-McClary, Water Quality Division
Carl Parrott, Water Quality Division
Michael Moe, Water Quality Division
Brooks Kirlin, Air Quality Division
Kelly Dixon, Land Protection Division
Hillary Young, Land Protection Division
David Cates, Land Protection Division
Kole Kennedy, Land Protection Division
Patrick Riley, Land Protection Division
Tad Alford, Environmental Attorney
Laura Finley, Environmental Attorney Supervisor
Skylar McElhaney, Office of External Affairs
Erin Hatfield, Office of External Affairs
Cindy Przekurat, Executive Director's Office
Kathy Aebischer, Administrative Services Division
Quiana Fields, Board & Council Secretary

MEMBERS ABSENT

None

OTHERS PRESENT

Secretary Michael Teague, Office of the Secretary of Energy & Environment
Tyler Powell, Office of the Secretary of Energy & Environment
Clayton Eubanks, Office of the Attorney General
Laura Lodes, Air Quality Advisory Council
Duane Winegardner, Water Quality Management Advisory Council
Lynette Wrany, Court Reporter

Approval of Minutes – Mr. Kinder moved to approve the Minutes from the November 10, 2015 Regular Meeting. Mr. Wendling made the second.

transcript pages 8 - 10

Daniel Blankenship	Yes	Homer Nicholson	Yes
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Shannon Ferrell	Yes	Billy Sims	Yes
David Griesel	Yes	Loretta Turner	Yes
Tracy Hammon	Abstain	Cheryl Vaught	Yes
Jimmy Kinder	Yes	John Wendling	Yes
Tim Munson	Yes	Jan Kunze	Yes

Election of Officers – Election of Chair and Vice-Chair for Calendar Year 2016 – Ms. Kunze opened the floor for nominations for Chair. Mr. Sims nominated Ms. Kunze and Mr. Munson made the second. Mr. Kinder made a motion to cease the nomination and elect Ms. Kunze by acclamation. Mr. Ferrell made the second.

transcript pages 10 - 11

Daniel Blankenship	Yes	Homer Nicholson	Yes
Shannon Ferrell	Yes	Billy Sims	Yes
David Griesel	Yes	Loretta Turner	Yes
Tracy Hammon	Yes	Cheryl Vaught	Yes
Jimmy Kinder	Yes	John Wendling	Yes
Tim Munson	Yes	Jan Kunze	Yes

Ms. Kunze then called for nominations for Vice-Chair. Ms. Vaught nominated Mr. Munson and Mr. Wendling made the second. Mr. Sims made a motion to cease the nomination and elect Mr. Munson by acclamation. Mr. Kinder made the second.

transcript pages 12 - 13

Daniel Blankenship	Yes	Homer Nicholson	Yes
Shannon Ferrell	Yes	Billy Sims	Yes
David Griesel	Yes	Loretta Turner	Yes
Tracy Hammon	Yes	Cheryl Vaught	Yes
Jimmy Kinder	Yes	John Wendling	Yes
Tim Munson	Yes	Jan Kunze	Yes

Rulemaking – OAC 252:100 Air Pollution Control – Ms. Laura Lodes of the Air Quality Advisory Council (AQAC) stated the DEQ is proposing to amend OAC 252:100-9, Excess Emission Reporting Requirements, to comply with the “State Implementation Plan (SIP) Call to Amend Provisions Applying to Excess Emissions During Periods of Startup, Shutdown and Malfunctions” (SSM), and to conform with EPA’s restated and updated SSM policy applicable to SIPs. At the November 2015 Board meeting Air Quality staff requested that the Board return a version of this rule previously recommended to the Council for further consideration. This request was made to allow staff to correct information in the record and allow Council members the opportunity to reconsider the revised proposal along with all the relevant facts. The AQAC unanimously approved the revised proposal at its January 2016 Council meeting. Following questions by the Board and none by the public, Ms. Kunze called for a motion. Mr. Ferrell moved to approve and Mr. Munson made the second.

transcript pages 13 - 20

Daniel Blankenship	Yes	Homer Nicholson	Yes
Shannon Ferrell	Yes	Billy Sims	Yes
David Griesel	Yes	Loretta Turner	Yes
Tracy Hammon	Yes	Cheryl Vaught	Yes
Jimmy Kinder	Yes	John Wendling	Yes
Tim Munson	Yes	Jan Kunze	Yes

Ms. Lodes stated the DEQ also proposes to replace the existing OAC 252:100, Appendix E, Primary Ambient Air Quality Standards and the existing Appendix F, Secondary Ambient Air Quality Standards with a new and updated Appendix E and F in order to maintain consistency with recent federal changes to the primary and secondary National Ambient Air Quality Standards (NAAQS) for ozone. Following no questions or comments by the Board or the public, Ms. Kunze called for a motion. Mr. Kinder moved to approve and Ms. Turner made the second.

transcript pages 20 - 22

Daniel Blankenship	Yes	Homer Nicholson	Yes
Shannon Ferrell	Yes	Billy Sims	Yes
David Griesel	Yes	Loretta Turner	Yes
Tracy Hammon	Yes	Cheryl Vaught	Yes
Jimmy Kinder	Yes	John Wendling	Yes
Tim Munson	Yes	Jan Kunze	Yes

Rulemaking – OAC 252:517 Disposal of Coal Combustion Residuals From Electric Utilities [NEW] – Ms. Kunze called upon Mr. Jeff Shepherd, Chair of the Solid Waste Management Advisory Council (SWMAC), to present the rule. Mr. Shepherd stated the DEQ is proposing to create a new chapter, OAC 252:517, Disposal of Coal Combustion Residuals From Electric Utilities, in response to new federal requirements pertaining to the disposal of coal combustion residuals (CCR) generated from the combustion of coal at electric utilities and independent power producers. DEQ proposes to incorporate the requirements of 40 CFR 257, Subpart D in its entirety and insert, where appropriate, additional language to enable DEQ to permit CCR facilities and enforce the new requirements. This proposed rulemaking is related to the proposed rulemaking regarding OAC 252:515, which excludes disposal of CCR from regulation under OAC 252:515. Following questions by the Board and the public, Ms. Kunze called for a motion to approve the rule with corrections. Mr. Sims moved to approve and Mr. Griesel made the second.

transcript pages 22 - 32

Daniel Blankenship	Yes	Homer Nicholson	Yes
Shannon Ferrell	Yes	Billy Sims	Yes
David Griesel	Yes	Loretta Turner	Yes
Tracy Hammon	Yes	Cheryl Vaught	Yes
Jimmy Kinder	Yes	John Wendling	Yes
Tim Munson	Yes	Jan Kunze	Yes

Rulemaking – OAC 252:515 Solid Waste Management – Mr. Shepherd stated the DEQ is proposing to amend OAC 252:515-1-1 to exclude from regulation under OAC 252:515 solid waste disposal facilities used exclusively for disposal of coal combustion residuals (CCR or coal ash) generated from the combustion of coal at electric utilities and independent power producers. This proposed rulemaking is related to the rulemaking, where the DEQ is proposing to create a new Chapter OAC 252:517 to regulate coal combustion residual disposal facilities. Following no questions or comments by the Board or the public, Ms. Kunze called for a motion. Mr. Ferrell moved to approve and Mr. Wendling made the second.

transcript pages 32 - 34

Daniel Blankenship	Yes	Homer Nicholson	Yes
Shannon Ferrell	Yes	Billy Sims	Yes
David Griesel	Yes	Loretta Turner	Yes
Tracy Hammon	Yes	Cheryl Vaught	Yes
Jimmy Kinder	Yes	John Wendling	Yes
Tim Munson	Yes	Jan Kunze	Yes

Ms. Kunze welcomed Secretary Michael Teague, Office of the Secretary of Energy & Environment, to the meeting.

Rulemaking – OAC 252:606 Oklahoma Pollutant Discharge Elimination System (OPDES) Standards – Ms. Kunze called upon Mr. Duane Winegardner, Chair of the Water Quality Management Advisory Council (WQMCA), to present the rule. Mr. Winegardner stated the DEQ is proposing to amend OAC 252:606-1-4 to change the date of the incorporation by reference of federal regulations from July 1, 2014 to July 1, 2015. The most significant changes in the updated federal regulations relate to cooling water intake structures at industrial facilities and the Sufficiently Sensitive Methods Rule (SSMR), which requires permittees to use EPA-approved analytical methods that can detect and measure pollutants at or below the water quality criteria.

Following no questions or comments by the Board or the public, Ms. Kunze called for a motion. Mr. Ferrell moved to approve and Mr. Blankenship made the second.

transcript pages 36 - 39

Daniel Blankenship	Yes	Homer Nicholson	Yes
Shannon Ferrell	Yes	Billy Sims	Yes
David Griesel	Yes	Loretta Turner	Yes
Tracy Hammon	Yes	Cheryl Vaught	Yes
Jimmy Kinder	Yes	John Wendling	Yes
Tim Munson	Yes	Jan Kunze	Yes

OAC 252:626 Public Water Supply Construction Standards – Mr. Winegardner stated the DEQ is proposing to amend OAC 252:626, Subchapters 1, 3, 5, 7, 9 and 13. The proposed amendments include: definitions for “25-year flood” and “100 – year flood”; certain other definitions to be consistent with other DEQ and federal regulations; language to require maps, site plans and schematic layout of treatment facilities with engineering reports; clarification that the requirement for standby power and elevated storage is to be based on peak hourly demand; a requirement for a concrete splash pad outside the well house where blow-off valve discharges occur; a requirement that filters be equipped to indicate or otherwise measure head loss; a requirement that each filter unit indicate the instantaneous rate of flow; a requirement that mechanical dewatering of residuals be constructed in accordance with OAC 252:656-15(3), (4) and (5); clarification of the requirements for residual lagoons; a requirement that plant outfalls be designed and constructed in accordance with OAC 252:656-9-3 when wastewater is discharged; and other minor clarifications. The DEQ also proposes to revoke and replace the existing Appendix E with a new, updated Appendix E, Gravel Support for Rapid Rate and Slow Sand Filters. Following questions by the Board and none by the public, Ms. Kunze called for a motion. Mr. Blankenship moved to approve and Mr. Munson made the second.

transcript pages 39 - 43

Daniel Blankenship	Yes	Homer Nicholson	Yes
Shannon Ferrell	Yes	Billy Sims	Yes
David Griesel	Yes	Loretta Turner	Yes
Tracy Hammon	Yes	Cheryl Vaught	Yes
Jimmy Kinder	Yes	John Wendling	Yes
Tim Munson	Yes	Jan Kunze	Yes

OAC 252:631 Public Water Supply Operation – Mr. Winegardner stated the DEQ is proposing to amend OAC 252:631, Subchapters 1 and 3 to: replace “Laboratory Certification” with “Laboratory Accreditation” rules; clarify certain definitions; update the date of incorporation by reference of certain federal regulations from July 1, 2014 to July 1, 2015; add language incorporating Subparts S and Y of the microbiological standards in accordance with 40 CFR Sections 141.63; replace “turbidity” with “filtration, disinfection, and enhanced treatment” standards in accordance with 40 CFR Sections 141.73 and 141.173; add “lead, copper, and corrosivity standards” in accordance with 40 CFR Part 141, Subpart I; replace “coliform” and “microbiological” requirements in accordance with 40 CFR Section 141, Subparts S and Y; add enhanced treatment requirements in accordance with 40 CFR Sections 141.74 and 141.174, Subparts T and W; add Subparts U and V in accordance with 40 CFR Part 141; clarify the requirements for laboratory accreditation and validation of data to be consistent with federal requirements; and other minor clarifications. Following no questions or comments by the Board or the public, Ms. Kunze called for a motion. Mr. Munson moved to approve and Mr. Nicholson made the second.

transcript pages 43 - 46

Daniel Blankenship	Yes	Homer Nicholson	Yes
Shannon Ferrell	Yes	Billy Sims	Yes
David Griesel	Yes	Loretta Turner	Yes
Tracy Hammon	Yes	Cheryl Vaught	Yes
Jimmy Kinder	Yes	John Wendling	Yes
Tim Munson	Yes	Jan Kunze	Yes

Rulemaking – OAC 252:690 Water Quality Standards Implementation – Mr. Winegardner stated the DEQ is proposing to amend OAC 252:690, Subchapters 1, 3 and 5 and to update Appendix B. The amendments include: the deletion of the term “CFU” (colony forming units) from Subchapters 1 and 3 in accordance with changes made by the Oklahoma Water Resources Board; updating the date of incorporation by reference for federal regulations from July 1, 2013 to July 1, 2015, including the Sufficiently Sensitive Methods Rule (SSMR); correcting a citation in Subchapter 5; and updating Appendix B by revoking the existing Appendix B and replacing it with an updated Appendix B (Priority and Non-priority Pollutants with Numerical Criteria Requiring Reasonable Potential Screening) to implement the SSMR. Following questions by the Board and none by the public, Ms. Kunze called for a motion. Mr. Blankenship moved to approve and Mr. Nicholson made the second.

transcript pages 46 - 51

Daniel Blankenship	Yes	Homer Nicholson	Yes
Shannon Ferrell	Yes	Billy Sims	Yes
David Griesel	Yes	Loretta Turner	Yes
Tracy Hammon	Yes	Cheryl Vaught	Yes
Jimmy Kinder	Yes	John Wendling	Yes
Tim Munson	Yes	Jan Kunze	Yes

Executive Director’s Report – Mr. Scott Thompson, Executive Director of the DEQ, discussed agency activities underway and Senate and House Bills underway. Mr. Thompson called upon Ms. Kathy Aebischer, Chief Financial Officer of the DEQ. Ms. Aebischer gave a presentation on the DEQ budget.

transcript pages 51 - 70

Mr. Mason entered the meeting.

Executive Session – Review Relating to Executive Director – Among the statutory duties of the Board are responsibilities to appoint and set the compensation of the Executive Director and to assist the DEQ in conducting periodic reviews and planning activities related to the goals, objectives, priorities, and policies of the DEQ. Ms. Kunze called for a motion to enter into executive session pursuant to 25 O.S. § 307(B)(1). Mr. Ferrell moved to approve and Mr. Kinder made the second. Ms. Vaught was designated as the scribe for executive session.

transcript pages 70 - 73

Daniel Blankenship	Yes	Homer Nicholson	Yes
Shannon Ferrell	Yes	Billy Sims	Yes
David Griesel	Yes	Loretta Turner	Yes
Tracy Hammon	Yes	Cheryl Vaught	Yes
Jimmy Kinder	Yes	John Wendling	Yes
Steve Mason	Yes	Jan Kunze	Yes
Tim Munson	Yes		

Mr. Nicholson and Ms. Turner left the meeting.

In open session, Ms. Kunze called for a roll call vote to reconvene the Regular Board meeting.

transcript pages 74 - 75

Daniel Blankenship	Yes	Tim Munson	Yes
Shannon Ferrell	Yes	Billy Sims	Yes
David Griesel	Yes	Cheryl Vaught	Yes
Tracy Hammon	Yes	John Wendling	Yes
Jimmy Kinder	Yes	Jan Kunze	Yes
Steve Mason	Yes		

Ms. Kunze thanked Mr. Thompson and staff in moving the agency forward.

New Business – None

Next Meeting – The next regular meeting is set for June 14, 2016 in Oklahoma City, DEQ Multipurpose Room. Ms. Kunze reported that this meeting may not be necessary.

Adjournment – Ms. Kunze called for a motion to adjourn. Mr. Ferrell moved to adjourn and Mr. Blankenship made the second. Meeting adjourned at 11:45 a.m.

transcript pages 77 – 78

Daniel Blankenship	Yes	Tim Munson	Yes
Shannon Ferrell	Yes	Billy Sims	Yes
David Griesel	Yes	Cheryl Vaught	Yes
Tracy Hammon	Yes	John Wendling	Yes
Jimmy Kinder	Yes	Jan Kunze	Yes
Steve Mason	Yes		

The transcript and sign-in sheet become an official part of these Minutes.

EQB Meeting 2/19/2016

<p>1 OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY 2 ENVIRONMENTAL QUALITY BOARD 3 4 5 6 7 8 9 10 REGULAR MEETING 11 FEBRUARY 19, 2016 - 9:30 A.M. 12 13 14 15 16 Multipurpose Room 17 OK Department of Environmental Quality 18 707 N. Robinson 19 Oklahoma City, OK 20 21 22 23 24 Reported by: Lynette H. Wrany, C.S.R. #1167 25</p>	<p>1 Call to order - 9:30 A.M. 2 CHAIRMAN JAN KUNZE: I'm going to call our 3 meeting to order. 4 The February 19th, 2016 regular meeting of 5 the Environmental Quality Board has been called 6 according to the Oklahoma Open Meeting Act, Section 7 311 of Title 25 of the Oklahoma Statutes. 8 Notice was filed with the Secretary of State 9 on October 20th, 2015. 10 Agendas were mailed to interested parties on 11 February 10th, 2016 and were posted at the DEQ and the 12 facility on February 18th, 2016. Only matters 13 appearing on the posted Agenda may be considered. 14 If this meeting is continued or reconvened, 15 we must announce today the date, time and place of the 16 continued meeting and the Agenda for such continuation 17 will remain the same as today's Agenda. 18 And with that, I want to say welcome to our 19 first meeting of the year. And I'm going to ask 20 Loretta to start us off, open our meeting, with some 21 housekeeping items and an announcement. 22 MS. LORETTA TURNER: Thanks, Jan. 23 So just a note for those visitors and those 24 who haven't been here before, the restrooms are down 25 the hall, out either one of these back doors down the</p>
<p>1 BOARD MEMBERS PRESENT: 2 Chairman Jan Kunze 3 Vice-Chair Tim Munson 4 Mr. Daniel Blankenship 5 Mr. Shannon Ferrell 6 Mr. David Griesel 7 Dr. Tracy Hammon 8 Mr. James Kinder 9 Mr. Steve Mason 10 Mr. Homer Nicholson 11 Mr. Billy Sims 12 Ms. Loretta Turner 13 Ms. Cheryl Vaught 14 Mr. John Wendling 15 16 17 18 19 20 21 22 23 24 25</p>	<p>1 hall. The Men's is on the first hallway and, as you 2 go around the corner, the Women's is there. Or if you 3 go this way, the opposite way. 4 In case of any emergencies, a fire or 5 anything, the closest doors are obviously the ones 6 most of us came in this morning and out across the 7 street. In the case of a tornado or extremely strong 8 winds today, get away from the windows and move 9 inward. 10 I was trying to think -- Jan asked me a few 11 days ago to do this. And I was trying to think of 12 some interesting tidbit and really just Googled 13 January 19th and there was nothing all that exciting 14 on Google about January 19th. 15 And so, I was telling James, he -- I have a 16 little something I'll read quickly from him. But my 17 teenager, my senior in highschool, drove down with me, 18 because she's -- is doing an overnight stay and a 19 visit at a local college. And so, I said I have to 20 come up with something interesting to talk about in 21 the morning, what should I talk about. And so, she 22 started reading me jokes of off the Internet, which 23 was not real helpful. 24 But what was -- so it reminded me though of a 25 joke that my husband likes to torture my children</p>

<p>5</p> <p>1 with, which is appropriate because of the weather and 2 the environment and things are going on in Oklahoma 3 yesterday and today, especially from in the Tulsa 4 area, where I came from. 5 And I don't know if any of you know why the 6 Wise Men smelled like smoke? 7 MR. DAN BLANKENSHIP: Because they came from 8 afar. 9 MS. LORETTA TURNER: Because they came from 10 afar. 11 There you go. You can use that. Feel free 12 to reuse that at any time that you need to. 13 But seriously, you know -- it is pretty 14 stupid. 15 Tulsa was horrible yesterday with the smoke. 16 You just couldn't see. Several highways were shut 17 down and firefighters, you know, I just can't imagine 18 what they're going through. And one even was injured, 19 which leads me to my -- my previous employer, every 20 meeting that we opened, we had an extended safety 21 minute. And we talked openly about behavior-based 22 safety, that if it's part of everything you do, then 23 it will come naturally on the job. 24 And one of the incidents that happened 25 yesterday was someone drove into heavy smoke on a road</p>	<p>7</p> <p>1 And with that, I'll turn it back to Jan. 2 CHAIRMAN JAN KUNZE: Thank you very much. I 3 knew I had asked the right person to do that job. 4 Thank you. 5 I'm going to jump right on in to the Meeting 6 Agenda. We've got an extensive Agenda today. I think 7 we have all the Chairs of our different Councils here; 8 amendments, create some new chapters and replace some. 9 So we'll want to allow plenty of time for that 10 discussion. And then also some Board business that 11 will need to be conducted. 12 So with that, I'm going to ask Quiana to do 13 roll call. 14 MS. QUIANA FIELDS: Mr. Blankenship? 15 MR. DANIEL BLANKENSHIP: Here. 16 MS. QUIANA FIELDS: Mr. Ferrell? 17 MR. SHANNON FERRELL: Here. 18 MS. QUIANA FIELDS: Mr. Griesel? 19 MR. DAVID GRIESEL: Here. 20 MS. QUIANA FIELDS: Dr. Hammon? 21 DR. TRACY HAMMON: Here. 22 MS. QUIANA FIELDS: Mr. Kinder? 23 MR. JAMES KINDER: Here. 24 MS. QUIANA FIELDS: Mr. Mason is absent. 25 Mr. Munson?</p>
<p>6</p> <p>1 and actually hit one of the firefighters that was 2 trying to keep the line and sent him to the hospital. 3 He's okay, but just, you know, we talk about -- it's 4 not been too many months ago we talked about not 5 driving into high water and different things. But 6 it -- I think it, you know, it's a good reminder that 7 smoke or anything blocking your vision, you just don't 8 know what's there and proceed with caution and don't 9 enter. So there's that. 10 The last thing I'll read of note that's kind 11 of interesting that has to do with water, which puts 12 out the fire, it's all related this morning, James 13 Kinder gave me this note about the Jefferson County 14 Rural Water District, which he says is near Waurika. 15 And the District was named best tasting nationally, 16 which is only the second time that -- is that what you 17 said? Second time that someone -- 18 MR. JAMES KINDER: No, first time. 19 MS. LORETTA TURNER: First time from 20 Oklahoma? 21 MR. JAMES KINDER: They placed second. 22 MS. LORETTA TURNER: Got it. They 23 placed second. Okay. Anyway, second 24 best-tasting water in the nation for someone in 25 Oklahoma. So I thought that was interesting.</p>	<p>8</p> <p>1 VICE-CHAIRMAN MUNSON: Here. 2 MS. QUIANA FIELDS: Mr. Nicholson? 3 MR. HOMER NICHOLSON: Here. 4 MS. QUIANA FIELDS: Mr. Sims? 5 MR. BILLY SIMS: Here. 6 MS. QUIANA FIELDS: Ms. Turner? 7 MS. LORETTA TURNER: Here. 8 MS. QUIANA FIELDS: Ms. Vaught? 9 MS. CHERYL VAUGHT: Here. 10 MS. QUIANA FIELDS: Mr. Wendling. 11 MR. JOHN WENDLING: Here. 12 MS. QUIANA FIELDS: Ms. Kunze. 13 CHAIRMAN JAN KUNZE: Here. 14 MS. QUIANA FIELDS: We have a quorum. 15 CHAIRMAN JAN KUNZE: Thank you. Steve did 16 contact me. He had a conflict come up. And I think 17 he'll be joining our meeting late, as soon as he can. 18 With that, I'm going to move to the Minutes 19 from our November 10th meeting of last year and ask if 20 everyone's had a chance to review that. Any comments 21 or a motion? 22 MR. JAMES KINDER: I make a motion to approve 23 the minutes. 24 MR. JOHN WENDLING: Second. 25 CHAIRMAN JAN KUNZE: Okay. I have a motion</p>

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<p>9</p> <p>1 and a second for approval.</p> <p>2 MS. QUIANA FIELDS: Mr. Blankenship?</p> <p>3 MR. DANIEL BLANKENSHIP: Yes.</p> <p>4 MS. QUIANA FIELDS: Mr. Ferrell?</p> <p>5 MR. SHANNON FERRELL: Yes.</p> <p>6 MS. QUIANA FIELDS: Mr. Griesel?</p> <p>7 MR. DAVID GRIESEL: Yes.</p> <p>8 MS. QUIANA FIELDS: Dr. Hammon?</p> <p>9 DR. TRACY HAMMON: I'll abstain.</p> <p>10 MS. QUIANA FIELDS: Mr. Kinder?</p> <p>11 MR. JAMES KINDER: Yes.</p> <p>12 MS. QUIANA FIELDS: Mr. Munson?</p> <p>13 VICE-CHAIRMAN TIM MUNSON: Yes.</p> <p>14 MS. QUIANA FIELDS: Mr. Nicholson?</p> <p>15 MR. HOMER NICHOLSON: Yes.</p> <p>16 MS. QUIANA FIELDS: Mr. Sims?</p> <p>17 MR. BILLY SIMS: Yes.</p> <p>18 MS. QUIANA FIELDS: Ms. Turner?</p> <p>19 MS. LORETTA TURNER: Yes.</p> <p>20 MS. QUIANA FIELDS: Ms. Vaught?</p> <p>21 MS. CHERYL VAUGHT: Yes.</p> <p>22 MS. QUIANA FIELDS: Mr. Wendling?</p> <p>23 MR. JOHN WENDLING: Yes.</p> <p>24 MS. QUIANA FIELDS: Ms. Kunze?</p> <p>25 CHAIRMAN JAN KUNZE: Yes.</p>	<p>11</p> <p>1 MR. DAVID GRIESEL: Yes.</p> <p>2 MS. QUIANA FIELDS: Dr. Hammon?</p> <p>3 DR. TRACY HAMMON: Yes.</p> <p>4 MS. QUIANA FIELDS: Mr. Kinder?</p> <p>5 MR. JAMES KINDER: Yes.</p> <p>6 MS. QUIANA FIELDS: Mr. Munson?</p> <p>7 VICE CHAIRMAN TIM MUNSON: Yes.</p> <p>8 MS. QUIANA FIELDS: Mr. Nicholson?</p> <p>9 MR. HOMER NICHOLSON: Yes.</p> <p>10 MS. QUIANA FIELDS: Mr. Sims?</p> <p>11 MR. BILLY SIMS: Yes.</p> <p>12 MS. QUIANA FIELDS: Ms. Turner?</p> <p>13 MS. LORETTA TURNER: Yes.</p> <p>14 MS. QUIANA FIELDS: Ms. Vaught?</p> <p>15 MS. CHERYL VAUGHT: Yeah.</p> <p>16 MS. QUIANA FIELDS: Mr. Wendling?</p> <p>17 MR. JOHN WENDLING: Yes.</p> <p>18 MS. QUIANA FIELDS: Ms. Kunze?</p> <p>19 CHAIRMAN JAN KUNZE: I will vote yes, in that</p> <p>20 I appreciate the vote of confidence. And I'm proud to</p> <p>21 serve on this Board and I'll be happy to do that for</p> <p>22 the next year.</p> <p>23 MS. QUIANA FIELDS: Motion passed.</p> <p>24 CHAIRMAN JAN KUNZE: Next -- next year we'll</p> <p>25 talk about it differently.</p>
<p>10</p> <p>1 MS. QUIANA FIELDS: Motion passed.</p> <p>2 CHAIRMAN JAN KUNZE: Thank you.</p> <p>3 Item number 5 on our Agenda. I'm kind of</p> <p>4 excited about this one. Election of Officers. At our</p> <p>5 first meeting of each year we will elect a Chairman</p> <p>6 and a Vice-Chair. So I'm going to open the floor.</p> <p>7 MR. BILLY SIMS: I nominate Jan Kunze.</p> <p>8 VICE CHAIRMAN TIM MUNSON: Second.</p> <p>9 CHAIRMAN JAN KUNZE: Okay. Huh. Any -- what</p> <p>10 would Hillary do?</p> <p>11 Okay. I've been nominated. Are there any</p> <p>12 other nominations? I haven't campaigned either way,</p> <p>13 so --</p> <p>14 MR. JAMES KINDER: I'll make a motion that</p> <p>15 the nomination cease and we elect you by acclamation.</p> <p>16 CHAIRMAN JAN KUNZE: Okay.</p> <p>17 MR. SHANNON FERRELL: Second.</p> <p>18 CHAIRMAN JAN KUNZE: I have a motion and</p> <p>19 second that I remain the Chair. And I'll ask for a</p> <p>20 roll call or a vote.</p> <p>21 MS. QUIANA FIELDS: Mr. Blankenship?</p> <p>22 MR. DANIEL BLANKENSHIP: Yes.</p> <p>23 MS. QUIANA FIELDS: Mr. Ferrell?</p> <p>24 MR. SHANNON FERRELL: Yes.</p> <p>25 MS. QUIANA FIELDS: Mr. Griesel?</p>	<p>12</p> <p>1 And the Vice-Chair? And Tim Munson has</p> <p>2 served and been very helpful to me this past year. So</p> <p>3 I ask if we have any nominations?</p> <p>4 MS. CHERYL VAUGHT: I would nominate</p> <p>5 Mr. Munson.</p> <p>6 MR. JOHN WENDLING: Second.</p> <p>7 CHAIRMAN JAN KUNZE: Okay. I have a motion</p> <p>8 and a second that Tim remain the Vice-Chair. Do I</p> <p>9 have any other nominations or discussion?</p> <p>10 MR. BILLY SIMS: I make a motion that the</p> <p>11 nominations cease and we elect him by acclamation.</p> <p>12 CHAIRMAN JAN KUNZE: Okay.</p> <p>13 MR. JAMES KINDER: Second.</p> <p>14 CHAIRMAN JAN KUNZE: I have a motion and</p> <p>15 second that Tim remain the Vice-Chair. Roll call.</p> <p>16 MS. QUIANA FIELDS: Mr. Blankenship?</p> <p>17 MR. DANIEL BLANKENSHIP: Yes.</p> <p>18 MS. QUIANA FIELDS: Mr. Ferrell?</p> <p>19 MR. SHANNON FERRELL: Yes.</p> <p>20 MS. QUIANA FIELDS: Mr. Griesel?</p> <p>21 MR. DAVID GRIESEL: Yes.</p> <p>22 MS. QUIANA FIELDS: Dr. Hammon?</p> <p>23 DR. TRACY HAMMON: Yes.</p> <p>24 MS. QUIANA FIELDS: Mr. Kinder?</p> <p>25 MR. JAMES KINDER: Yes.</p>

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<p>13</p> <p>1 MS. QUIANA FIELDS: Mr. Munson?</p> <p>2 VICE CHAIRMAN TIM MUNSON: Yes.</p> <p>3 MS. QUIANA FIELDS: Mr. Nicholson?</p> <p>4 MR. HOMER NICHOLSON: Yes.</p> <p>5 MS. QUIANA FIELDS: Mr. Sims?</p> <p>6 MR. BILLY SIMS: Yes.</p> <p>7 MS. QUIANA FIELDS: Ms. Turner?</p> <p>8 MS. LORETTA TURNER: Yes.</p> <p>9 MS. QUIANA FIELDS: Ms. Vaughn?</p> <p>10 MS. CHERYL VAUGHN: Yes.</p> <p>11 MS. QUIANA FIELDS: Mr. Wendling?</p> <p>12 MR. JOHN WENDLING: Yes.</p> <p>13 MS. QUIANA FIELDS: Ms. Kunze?</p> <p>14 CHAIRMAN JAN KUNZE: Yes.</p> <p>15 MS. QUIANA FIELDS: Motion passed.</p> <p>16 CHAIRMAN JAN KUNZE: Okay. That moves us</p> <p>17 into the Rulemaking portion of our Agenda. And the</p> <p>18 first up are Air Pollution Controls. And I'm going to</p> <p>19 welcome and -- I was going to welcome Gerald Butcher,</p> <p>20 the Chair of the Air Quality Advisory Council, but</p> <p>21 that may not be the case. I was tricked.</p> <p>22 MS. LAURA LODES: You are correct.</p> <p>23 I am Laura Lodes, the Vice-Chair. Gerald is</p> <p>24 out on vacation.</p> <p>25 CHAIRMAN JAN KUNZE: Well, thank you, Laura.</p>	<p>15</p> <p>1 DEQ administrative penalty actions and not to civil or</p> <p>2 other court actions that are actions initiated by EPA</p> <p>3 or citizens. The proposal notes that alternative</p> <p>4 emission limits for Startup and Shutdown are permitted</p> <p>5 but emphasizes that: 1) alternative emission limits</p> <p>6 may not exceed emission limits required by the SIP</p> <p>7 and, 2) alternative limits are developed and</p> <p>8 implemented through permitting provisions in</p> <p>9 Subchapter 7 or 8, not Subchapter 9.</p> <p>10 You may recall from the November Board</p> <p>11 Meeting that the Air Quality Advisory Council approved</p> <p>12 a version of the rule changes in its October 2015</p> <p>13 meeting, and that AQD staff requested that the Board</p> <p>14 return it to the Council for further consideration.</p> <p>15 This request was made to allow staff to correct</p> <p>16 information in the record and allow Council members</p> <p>17 the opportunity to reconsider the revised proposal,</p> <p>18 along with all the relevant facts. The Air Quality</p> <p>19 Advisory Council unanimously approved the revised</p> <p>20 proposal at its January 2016 Council Meeting.</p> <p>21 The Department received comments from the EPA</p> <p>22 Region 6 for both the October and January Council</p> <p>23 Meeting's versions of the proposal. EPA's comments</p> <p>24 were supportive of the changes, while recommending</p> <p>25 that the resulting Subchapter 9 remain only in the</p>
<p>14</p> <p>1 Thank you for coming.</p> <p>2 MS. LAURA LODES: Sure. Thank you for having</p> <p>3 me. I do have one question of clarification before I</p> <p>4 start this. Do -- we have two rules. Do you want</p> <p>5 this as one package or as two packages?</p> <p>6 CHAIRMAN JAN KUNZE: Two.</p> <p>7 MS. LAURA LODES: Two? Okay.</p> <p>8 Madam Chair and Members of the Board, the DEQ</p> <p>9 proposes to amend subchapter -- or amend OAC</p> <p>10 252:100-9, the Excess Emissions Reporting Requirements</p> <p>11 to comply with the State Implementation "SIP Call" to</p> <p>12 amend provisions applying to excess emissions during</p> <p>13 periods of Startup, Shutdown and Malfunctions to</p> <p>14 conform with the EPA's restated and updated SSM</p> <p>15 policy. Subchapter 9 describes what constitutes an</p> <p>16 excess emission and how and when excess emissions must</p> <p>17 be reported. Subchapter 9 also includes provisions</p> <p>18 for sources to request relief from administrative</p> <p>19 penalties for excess emissions during Startup,</p> <p>20 Shutdown or Malfunctions.</p> <p>21 The revision addresses EPA's primary national</p> <p>22 issues with SSM by shifting terminology from the</p> <p>23 legally troublesome term "affirmative defense" to</p> <p>24 "mitigation" or "mitigating factors," and reiterating</p> <p>25 that the mitigating factors provisions apply only to</p>	<p>16</p> <p>1 state-only program that is not submitted for inclusion</p> <p>2 in the Oklahoma SIP. EPA further noted that the SIP</p> <p>3 Call would require that the state withdraw the</p> <p>4 "substantively inadequate" 1994 version of Subchapter</p> <p>5 9 from the SIP. AQD staff expects to submit a</p> <p>6 withdrawal by November 22nd of 2016. Once this</p> <p>7 rulemaking process is complete, the Department intends</p> <p>8 to seek additional input from Council members and the</p> <p>9 public as it considers what portion, if any, of</p> <p>10 Subchapter 9 to submit for inclusion in Oklahoma's</p> <p>11 SIP. The Department received comments from three</p> <p>12 additional parties, and staff believes the proposed</p> <p>13 changes address their concerns.</p> <p>14 As Vice-Chair of the Air Quality Council, I</p> <p>15 recommend that the Board approve the proposed</p> <p>16 Subchapter 9 revision as a permanent rule.</p> <p>17 CHAIRMAN JAN KUNZE: Okay. Thank you.</p> <p>18 I will ask if there's any questions or</p> <p>19 discussion from the Board? Questions or discussion</p> <p>20 from the Board?</p> <p>21 MR. JOHN WENDLING: Yes. I had a question</p> <p>22 just mostly for clarification.</p> <p>23 MS. LAURA LODES: Uh-huh?</p> <p>24 MR. JOHN WENDLING: When I was reading</p> <p>25 through it, it seemed a little confusing to me. So I</p>

<p>17</p> <p>1 was trying to listen carefully to you. So maybe you 2 can help me out. 3 In section — 4 UNKNOWN SPEAKER: We can't hear you. 5 MR. JOHN WENDLING: I think it's 6 page — page 2. Sorry. Page 2 on section (c). 7 MS. LAURA LODES: Yes? 8 MR. JOHN WENDLING: On alternate emission 9 limits? 10 MS. LAURA LODES: Uh-huh. 11 MR. JOHN WENDLING: It seems to start out 12 saying that — that if you have in your permit a 13 Startup/Shutdown emission levels, then, if you stay 14 within that, it's not considered a violation, is how I 15 read that. But then it follows by saying that — it's 16 almost like it says, well, on the other hand, it can't 17 be greater than the SIP. 18 And my question is, does the SIP mean normal 19 operations? 20 MS. LAURA LODES: No. The SIP would be what 21 we have approved as part of our State Implementation 22 Plan. So that is what we've done to protect the 23 NAAQS. And so, if you've got Startup and Shutdown 24 approved as part of your permit that went through 25 either Subchapter 7 or Subchapter 8 in the permitting</p>	<p>19</p> <p>1 VICE-CHAIRMAN TIM MUNSON: Second. 2 CHAIRMAN JAN KUNZE: I have a motion and a 3 second for approval from the Board. 4 MS. QUIANA FIELDS: Mr. Blankenship? 5 MR. DANIEL BLANKENSHIP: Yes. 6 MS. QUIANA FIELDS: Mr. Ferrell? 7 MR. SHANNON FERRELL: Yes. 8 MS. QUIANA FIELDS: Mr. Griesel? 9 MR. DAVID GRIESEL: Yes. 10 MS. QUIANA FIELDS: Dr. Hammon? 11 DR. TRACY HAMMON: Yes. 12 MS. QUIANA FIELDS: Mr. Kinder? 13 MR. JAMES KINDER: Yes. 14 MS. QUIANA FIELDS: Mr. Munson? 15 VICE CHAIRMAN TIM MUNSON: Yes. 16 MS. QUIANA FIELDS: Mr. Nicholson? 17 MR. HOMER NICHOLSON: Yes. 18 MS. QUIANA FIELDS: Mr. Sims? 19 MR. BILLY SIMS: Yes. 20 MS. QUIANA FIELDS: Ms. Tumer? 21 MS. LORETTA TURNER: Yes. 22 MS. QUIANA FIELDS: Ms. Vaught? 23 MS. CHERYL VAUGHT: Yes. 24 MS. QUIANA FIELDS: Mr. Wendling? 25 MR. JOHN WENDLING: Yes.</p>
<p>18</p> <p>1 process, that's where the SIP would have been — the 2 NAAQS would have been protected. That means that, as 3 part of that permitting process, you might have gone 4 through air dispersion modeling or a BACT analysis to 5 prove that those SSM emissions would not cause a 6 violation of the Ambient Air Quality Standards and 7 that's where that would have been allowed. 8 MR. JOHN WENDLING: Okay. With this rule, 9 will those entities that have permits in place already 10 need to go back and get repemitted? 11 MS. LAURA LODES: No, they should not need 12 to. 13 MR. JOHN WENDLING: Okay. All right. 14 MS. LAURA LODES: This may be incentive for 15 those who have not permitted them to permit them. 16 MR. JOHN WENDLING: Okay. All right. Thank 17 you. 18 MS. LAURA LODES: Uh-huh. 19 CHAIRMAN JAN KUNZE: Okay. Any other 20 questions or discussion from the Board on this 21 amendment? 22 Questions and comments from the public? Any 23 questions or comments from the public? 24 With that, I'll ask if I have a motion. 25 MR. SHANNON FERRELL: So move.</p>	<p>20</p> <p>1 MS. QUIANA FIELDS: Ms. Kunze? 2 CHAIRMAN JAN KUNZE: Yes. 3 MS. QUIANA FIELDS: Motion passed. 4 CHAIRMAN JAN KUNZE: Okay. And I'll turn it 5 back to you, Laura, for the — for the second item. 6 MS. LAURA LODES: This one's much easier. 7 The Department proposes to update OAC 8 252 100, Appendix E, Primary Air Quality Standards, 9 and Appendix F, Secondary Ambient Air Quality 10 Standards, to maintain consistency with recent changes 11 to the primary and secondary National Ambient Air 12 Quality Standards for ozone. 13 The revisions to Appendices E and F will 14 change the ozone standards in Chapter 100 from .075 15 ppm to .070 ppm to make them consistent with the 16 federal standards that are already in effect 17 nationwide. This update also includes revisions of 18 the footnotes within Appendix E and F for 19 clarification and consistency. 20 Notice of the proposed rules and this rule 21 hearing were published in the Oklahoma Register on 22 December 15th, 2015 and comments from the public were 23 requested. No adverse comments were received. 24 At the January 2016 Air Quality Council — 25 Air Quality Advisory Council meeting, the vote was</p>

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<p>21</p> <p>1 unanimous to recommend that the Environmental Quality 2 Board adopt the Appendices as permanent rules. 3 CHAIRMAN JAN KUNZE: Okay. I'll ask for any 4 questions or discussion from the Board on adoption of 5 these rules. Questions or discussion? 6 Any questions or discussion from the public? 7 Okay. Well, do I have a motion? 8 MR. JAMES KINDER: Motion to approve. 9 MS. LORETTA TURNER: Second. 10 CHAIRMAN JAN KUNZE: I have a motion and a 11 second. Roll call vote, Quiana. 12 MS. QUIANA FIELDS: Mr. Blankenship? 13 MR. DANIEL BLANKENSHIP: Yes. 14 MS. QUIANA FIELDS: Mr. Ferrell? 15 MR. SHANNON FERRELL: Yes. 16 MS. QUIANA FIELDS: Mr. Griesel? 17 MR. DAVID GRIESEL: Yes. 18 MS. QUIANA FIELDS: Dr. Hammon? 19 DR. TRACY HAMMON: Yes. 20 MS. QUIANA FIELDS: Mr. Kinder? 21 MR. JAMES KINDER: Yes. 22 MS. QUIANA FIELDS: Mr. Munson? 23 VICE CHAIRMAN TIM MUNSON: Yes. 24 MS. QUIANA FIELDS: Mr. Nicholson? 25 MR. HOMER NICHOLSON: Yes.</p>	<p>23</p> <p>1 federal requirements are self-implementing. This 2 means that, as of October the 19th, 2015, all 3 landfills and surface impoundments receiving only CCR 4 generated by electric utilities are subject to the new 5 federal requirements, in addition to current state 6 rules. 7 The DEQ decided to adopt the federal 8 requirements as state rules after internal discussions 9 and stakeholder meetings revealed clear reasons for 10 doing so. The reasons include: 1) DEQ believes 11 strongly it should be the regulatory authority with 12 environmental oversight in Oklahoma. 2) Unanimous 13 support for state rules was expressed by the regulated 14 community during stakeholder meetings. The DEQ has 15 been told by industry that complying with the state 16 rules may offer some protection from citizen suits. 17 If there is a citizen suit, it makes industry's 18 position stronger if they have a permit and a 19 compliance schedule with DEQ. 3) State regulation 20 provides a mechanism for resolving compliance issues 21 without resorting to lawsuits, a huge benefit to 22 citizens, the regulated community and the State of 23 Oklahoma. And, 4), finally, it simplifies the 24 regulatory environment for facilities by providing one 25 set of regulations. The equivalency of state rules</p>
<p>22</p> <p>1 MS. QUIANA FIELDS: Mr. Sims? 2 MR. BILLY SIMS: Yes. 3 MS. QUIANA FIELDS: Ms. Turner? 4 MS. LORETTA TURNER: Yes. 5 MS. QUIANA FIELDS: Ms. Vaught? 6 MS. CHERYL VAUGHT: Yes. 7 MS. QUIANA FIELDS: Mr. Wendling? 8 MR. JOHN WENDLING: Yes. 9 MS. QUIANA FIELDS: Ms. Kunze? 10 CHAIRMAN JAN KUNZE: Yes. 11 MS. QUIANA FIELDS: Motion passed. 12 CHAIRMAN JAN KUNZE: Okay. Thank you very 13 much. 14 With that, I'm going to move to Item Number 15 7, which is coming from the Solid Waste Advisory 16 Council and I'll welcome Jeffrey Shepherd. 17 MR. JEFFREY SHEPHERD: Good morning. Madam 18 Chair and Members of the Board, the DEQ is proposing 19 to create a new chapter, Oklahoma Administrative Code 20 Title 252, Chapter 517, relating to the disposal of 21 Coal Combustion Residuals, or CCR, from electric 22 utilities. 23 This rulemaking action is proposed in 24 response to new CCR disposal requirements promulgated 25 by EPA found in 40 CFR, Part 257, Subpart D. The new</p>	<p>24</p> <p>1 for federal solid waste rules are documented in 2 Oklahoma's Solid Waste Management Plan, which is 3 reviewed and approved by EPA. 4 The rules proposed in this rulemaking will 5 ensure that the state meets the minimum requirements 6 of the federal rule and, if approved, will incorporate 7 into Solid Waste Management Plan and submit it to EPA 8 for approval. The challenge of drafting these rules 9 was to insert the federal rule, which is 10 self-implementing, into the context of a permitting 11 program. 12 The federal rule was kept largely intact, but 13 some changes were made throughout Chapter 517. These 14 changes include: 1) Citation changes to 517 within 15 the rules, 2) removing statements regarding national 16 applicability and, 3), adding language to require 17 submittal of plans to the DEQ. 18 DEQ chose to create a new chapter making it 19 specific to CCR facilities, rather than incorporating 20 new requirements into existing Solid Waste Rules in 21 Chapter 515. This approach is desirable for several 22 reasons: 1), it allows the federal rules to be simply 23 moved into the new chapter largely intact. 2) it 24 clearly describes who is required to follow these 25 rules so there is no confusion for other facilities</p>

<p style="text-align: right;">25</p> <p>1 regulated by Chapter 515 and, 3) it simplifies EPA's 2 Solid Waste Management Plan review and approval 3 process. 4 In conjunction with the proposed rulemaking 5 to create Chapter 517, DEQ is pursuing legislative 6 change related to seismic impact zone requirements. 7 The statutory change is necessary in order to ensure 8 consistency between the new federal requirements and 9 the state regulatory framework for CCR landfills. 10 As required by the federal standards, new CCR 11 landfills and expansions of existing CCR landfills 12 within seismic impact zones must meet certain design 13 and construction standards as set out in existing 14 Oklahoma Statutes. Most CCR facilities -- those CCR 15 landfills are exempt from this requirement. The 16 proposed changes to the rules and statutes will not 17 prohibit new or existing CCR landfills from 18 constructing or expanding in a seismic impact zone, as 19 long as all structural components of the landfill are 20 designed as specified in the rule. 21 Therefore, DEQ expects the state to enjoy 22 continued sufficient capacity in Oklahoma CCR 23 landfills so electric utilities do not have to send 24 CCR out of state for disposal. The proposed statutory 25 change will have no effect on any landfills other than</p>	<p style="text-align: right;">27</p> <p>1 the seismic zones and seismicity. And included in our 2 packet was some information on that. 3 And I just wanted to say thank you to the 4 staff, in particular in the Land Protection Division, 5 I thought they did an excellent job of responding to 6 those questions and providing additional information 7 with regard to seismicity that was very, very 8 beneficial and helpful, at least for me, in reviewing 9 the rules. 10 CHAIRMAN JAN KUNZE: Thank you, Dan. 11 MR. JEFFREY SHEPHERD: Back to your question, 12 John. There is a couple of (a)s on that page, on page 13 14. 14 MR. JOHN WENDLING: On the top there's a -- 15 MR. JEFFREY SHEPHERD: Life of site? 16 MR. JOHN WENDLING: Life of site. And 17 at the end you have an "of" and down below 18 there you have a "(b)" and a "of" and another 19 "(b)." It looks -- 20 MR. JEFFREY SHEPHERD: "Permits shall be 21 issued for the life of the CCR unit, subject to the 22 limitations of (b) of this section," I think. So you 23 have to go to (b). 24 MR. JOHN WENDLING: Okay. Okay. All right. 25 Sorry. Thanks for clarifying that.</p>
<p style="text-align: right;">26</p> <p>1 CCR landfills. 2 That's it. I know it's a lot. 3 CHAIRMAN JAN KUNZE: Yeah. I will ask if we 4 have any questions or discussions on this new chapter 5 from the Board. Any questions? 6 MR. JOHN WENDLING: This is -- I had an item. 7 This is on page 14. And I may have -- I don't know if 8 you've corrected this or not, but at the top of page 9 14, I know this was quite a large document. 10 MR. JEFFREY SHEPHERD: Uh-huh. 11 MR. JOHN WENDLING: I happened to notice an 12 error, and I don't know if you want us to bring that 13 up or not. And I'm assuming it's an error in the -- 14 in item (a), the way it's written. So you might -- 15 you might check that. 16 MR. JEFFREY SHEPHERD: Okay. 17 MR. JOHN WENDLING: All right. 18 MR. JEFFREY SHEPHERD: Where is the 19 regulations? 20 MR. DANIEL BLANKENSHIP: One too many (b)s? 21 I do, Chair. 22 CHAIRMAN JAN KUNZE: You have a -- 23 MR. DANIEL BLANKENSHIP: I do have one 24 comment I'd like to make. At the last meeting, I had 25 done some -- beforehand had done some inquiry about</p>	<p style="text-align: right;">28</p> <p>1 MR. JEFFREY SHEPHERD: Okay. 2 DR. TRACY HAMMON: While we're asking 3 editorial-type questions, under the definition for 4 "Active facility", it says it's, "any facility subject 5 to the requirements of this chapter in operation on 6 October 19th, 2015." The rest of that section 7 discusses on or after October 19th. Is that meant to 8 imply "on or after"? 9 MR. JEFFREY SHEPHERD: I believe so, yes. 10 (Aside.) Is that correct? On or after the 15th 11 (sic)? 12 DR. TRACY HAMMON: October -- I'm sorry. 13 October 19th. And I apologize, I've lost my voice. 14 MR. JEFFREY SHEPHERD: That's all right. 15 Yes. That is supposed to be on or after October the 16 15th (sic). 17 DR. TRACY HAMMON: As it's written, it 18 just says on October 19th. 19 MR. JEFFREY SHEPHERD: Okay. 20 CHAIRMAN JAN KUNZE: Okay. We've got a few 21 clarifications. 22 Any other questions or discussion from the 23 Board? 24 Do we've any questions or discussion from the 25 public? I believe Bud has a -- has a comment.</p>

<p style="text-align: right;">29</p> <p>1 MR. BUD GROUND: Good morning. I'm Bud 2 Ground, President of the Environmental Federation of 3 Oklahoma. 4 And I wanted to describe to the Board that 5 EFO and its member companies have worked with the DEQ 6 and actually requested that the DEQ take this project 7 on. This isn't something that the Solid Waste 8 Division had to do. It's not actually a delegated 9 program. But we asked the DEQ to take on and put 10 these regulations into their -- into the regulations 11 and change the statute, because we felt, as industry, 12 that it would protect us more and, as described, from 13 the third-party lawsuits. 14 And this should show you that our trust and 15 our appreciation of the DEQ and how we work together, 16 I think we have a very, very good working 17 relationship. 18 So, I just wanted to let you know that. And 19 we are fully in favor of this and we have agreed to 20 help, not only on the regulatory process but, on the 21 legislative process to get it through the legislature 22 this year. So I just wanted to make sure that the 23 Board knew that. 24 CHAIRMAN JAN KUNZE: Thank you, Bud. I 25 appreciate that bit of information. And I'm sure the</p>	<p style="text-align: right;">31</p> <p>1 what "in operation" means, and it says, "on or after." 2 So I think if you read it in context, it's 3 okay as is. But I'll leave it up to you guys. 4 CHAIRMAN JAN KUNZE: I was just going to say, 5 take a second and let everybody consider if that -- if 6 that's satisfactory. We're just trying to make sure 7 it means what it says. 8 MR. JEFFREY SHEPHERD: I understand. 9 MR. BILLY SIMS: I move the adoption. 10 CHAIRMAN JAN KUNZE: Pardon me, Billy? 11 MR. BILLY SIMS: I move that we adopt it, the 12 document. 13 CHAIRMAN JAN KUNZE: Okay. 14 MR. DAVID GRIESEL: I second. 15 CHAIRMAN JAN KUNZE: I have a motion and 16 second that we adopt the new chapter. Roll call. 17 MS. QUIANA FIELDS: Mr. Blankenship? 18 MR. DANIEL BLANKENSHIP: Yes. 19 MS. QUIANA FIELDS: Mr. Ferrell? 20 MR. SHANNON FERRELL: Yes. 21 MS. QUIANA FIELDS: Mr. Griesel? 22 MR. DAVID GRIESEL: Yes. 23 MS. QUIANA FIELDS: Dr. Hammon? 24 DR. TRACY HAMMON: Yes. 25 MS. QUIANA FIELDS: Mr. Kinder?</p>
<p style="text-align: right;">30</p> <p>1 Council all appreciate your support. 2 MR. JEFFREY SHEPHERD: Do you want us to go 3 back and make the change to that -- to the section 4 that refers to "on or after" and then -- or are you 5 guys to going to adopt them or make the changes later? 6 CHAIRMAN JAN KUNZE: It has to be corrected 7 before we adopt it, right? I think the correction has 8 to be made prior to -- 9 MR. JEFFREY SHEPHERD: Okay. 10 ASSISTANT ATTORNEY GENERAL CLAYTON EUBANKS: 11 I think you could take a vote and just say you want to 12 -- since you're going to make those changes, go ahead 13 and approve it. 14 MR. JEFFREY SHEPHERD: Sure. We'll make 15 those changes. 16 CHAIRMAN JAN KUNZE: We could actually make 17 the motion incorporating that correction. 18 ASSISTANT ATTORNEY GENERAL CLAYTON EUBANKS: 19 That approval is subject to those changes. 20 MR. JEFFREY SHEPHERD: Okay. 21 MS. KELLY DIXON: I just wanted to clarify, 22 and maybe this clarifies the issue, if you read the 23 definition where it says on -- "in operation on 24 October 19th," that's the effective date. And if you 25 read on to the next section, it clarifies what that --</p>	<p style="text-align: right;">32</p> <p>1 MR. JAMES KINDER: Yes. 2 MS. QUIANA FIELDS: Mr. Munson? 3 VICE CHAIRMAN MUNSON: Yes. 4 MS. QUIANA FIELDS: Mr. Nicholson? 5 MR. HOMER NICHOLSON: Yes. 6 MS. QUIANA FIELDS: Mr. Sims? 7 MR. BILLY SIMS: Yes. 8 MS. QUIANA FIELDS: Ms. Turner? 9 MS. LORETTA TURNER: Yes. 10 MS. QUIANA FIELDS: Ms. Vaught? 11 MS. CHERYL VAUGHT: Yes. 12 MS. QUIANA FIELDS: Mr. Wendling? 13 MR. JOHN WENDLING: Yes. 14 MS. QUIANA FIELDS: Ms. Kunze? 15 CHAIRMAN JAN KUNZE: Yes. 16 MS. QUIANA FIELDS: Motion passed. 17 CHAIRMAN JAN KUNZE: Thank you. And I'll let 18 you move on to item -- Chapter 515. 19 MR. JEFFREY SHEPHERD: Okay. And this is 20 simply, since you guys have voted to create 517, this 21 next section is basically to remove the applicability 22 of the CCR regulations from 515. So I'll just read 23 this quick little paragraph. 24 "DEQ proposes to amend OAC 252 515-1-1 to 25 exclude from regulation under OAC 252 515 solid waste</p>

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<p style="text-align: right;">33</p> <p>1 disposal facilities used exclusively for disposal of 2 coal combustion residuals (CCR or coal ash) generated 3 from combustion at coal – of coal at electric 4 utilities and independent power producers. This 5 proposed rulemaking is related to the rulemaking that 6 we just completed where the DEQ is proposing to create 7 a new Chapter OAC 252:517 to regulate the coal 8 combustion residual disposal facilities." 9 CHAIRMAN JAN KUNZE: Okay. Do I have any 10 questions or discussion from the Board? Questions or 11 discussion? 12 Any questions or comments from the public? 13 Being none, do I have a motion? 14 MR. SHANNON FERRELL: So move. 15 MR. JOHN WENDLING: Second. 16 CHAIRMAN JAN KUNZE: I have a motion and a 17 second for approval. 18 MS. QUIANA FIELDS: Mr. Blankenship? 19 MR. DANIEL BLANKENSHIP: Yes. 20 MS. QUIANA FIELDS: Mr. Ferrell? 21 MR. SHANNON FERRELL: Yes. 22 MS. QUIANA FIELDS: Mr. Griesel? 23 MR. DAVID GRIESEL: Yes. 24 MS. QUIANA FIELDS: Dr. Hammon? 25 DR. TRACY HAMMON: Yes.</p>	<p style="text-align: right;">35</p> <p>1 SECRETARY MICHAEL TEAGUE: Thank you. 2 CHAIRMAN JAN KUNZE: And if you have any 3 comments, I invite you to address the group. We very 4 much appreciate you attending. 5 SECRETARY MICHAEL TEAGUE: Well, I appreciate 6 the opportunity to be here today. Number one, not to 7 talk about earthquakes, because I keep talking about 8 earthquakes and I was doing it again this morning. So 9 I was really glad that somebody put seismic 10 information in your staff packages so I wouldn't have 11 to talk about it. 12 And I would just say in general that from 13 what I see, looking across all the energy and 14 environment agencies as part of our cabinet 15 secretariat, you should be really proud of DEQ. I've 16 gone back and looked at the FTE reports of every 17 single agency from 2011 to 2015. Several agencies 18 have grown. DEQ has taken the biggest hit, 19 self-imposed reduction of 50 FTEs over that time 20 period. It's also how Scott managed to do the pay 21 raises that he did. And I'm sure you also saw Channel 22 9's story on pay raises. And I was happy to answer 23 their questions pretty straight forward and tell them 24 exactly why agency directors did what they did to take 25 care of their folks, because that's what leaders do.</p>
<p style="text-align: right;">34</p> <p>1 MS. QUIANA FIELDS: Mr. Kinder. 2 MR. JAMES KINDER: Yes. 3 MS. QUIANA FIELDS: Mr. Munson? 4 VICE CHAIRMAN TIM MUNSON: Yes. 5 MS. QUIANA FIELDS: Mr. Nicholson? 6 MR. HOMER NICHOLSON: Yes. 7 MS. QUIANA FIELDS: Mr. Sims? 8 MR. BILLY SIMS: Yes. 9 MS. QUIANA FIELDS: Ms. Turner? 10 MS. LORETTA TURNER: Yes. 11 MS. QUIANA FIELDS: Ms. Vaught? 12 MS. CHERYL VAUGHT: Yes. 13 MS. QUIANA FIELDS: Mr. Wendling? 14 MR. WENDLING: Yes. 15 MS. QUIANA FIELDS: Ms. Kunze? 16 CHAIRMAN JAN KUNZE: Yes. 17 MS. QUIANA FIELDS: Motion passed. 18 CHAIRMAN JAN KUNZE: Thank you. 19 MR. JEFFREY SHEPHERD: Thank you very much. 20 CHAIRMAN JAN KUNZE: Thank you, Jeff. 21 Before we move to the next Agenda item, I do 22 want to make an introduction. I'm very, very glad to 23 have with us today our Cabinet Secretary of Energy and 24 Environment. Secretary Teague, welcome to our 25 meeting.</p>	<p style="text-align: right;">36</p> <p>1 So just some pretty general comments, I 2 guess, as we're all trying to figure out what this 3 budget fight's going to look like this year. But you 4 should be really proud of what this agency's doing. 5 So, thank you. 6 CHAIRMAN JAN KUNZE: Thank you very much. 7 That's good to hear. I'll pat Scott on the back 8 there. And we do realize that you're facing – you're 9 in an arena getting a lot of information. And we 10 appreciate your feedback. 11 And with that, I'll jump back to the Agenda 12 Item Number 9 and we'll get into the Water Quality. 13 I'll welcome Duane Winegardner, who is Chair of the 14 Water Quality Management Advisory Council. 15 MR. DUANE WINEGARDNER: Good morning. It's a 16 pleasure to be here this morning. I bring you 17 greetings from our committee. We enjoy serving you as 18 much as we can. 19 I have some introductory comments. Today, we 20 bring you comments on four chapters of proposed 21 rulemaking: 606, 626, 631 and 690. 22 Prior to bringing these rules before you, the 23 DEQ staff proposed the rules under rulemaking on 24 October 13th at our meeting and held two informal 25 public meetings, one on November 17th and the other on</p>

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<p>37</p> <p>1 November 18th, in Oklahoma City and in Tulsa. DEQ 2 holds these informal meetings prior to the official 3 comment period to solicit input from the stakeholders. 4 Adjustments to the text are made prior to the formal 5 comment based on the valuable input from our 6 stakeholders. By vetting the proposed rules, through 7 the informal public meetings, Staff is able to address 8 the concerns from the public and develop a rule that 9 makes sense to everyone. As a result of this process, 10 staff did make changes to the rulemaking text based on 11 the comments at these public meetings. 12 DEQ received no formal comment letters 13 regarding any of the proposed rules brought before you 14 today. 15 On Chapter 606, the Oklahoma Pollutant 16 Discharge Elimination Standards, the department is 17 proposing to, 1) update the date of incorporation by 18 reference of the federal rules from July 1st, 2014 to 19 July 1st, 2015. The significant federal rules are 20 incorporated, and these include: The cooling water 21 intake rule, which is intended to protect aquatic 22 wildlife from becoming entrapped or taken into the 23 cooling water system. DEQ staff has provided outreach 24 to all the power plants to provide technical 25 assistance on the requirements and the deadlines</p>	<p>39</p> <p>1 MS. QUIANA FIELDS: Mr. Kinder? 2 MR. JAMES KINDER: Yes. 3 MS. QUIANA FIELDS: Mr. Munson? 4 VICE CHAIRMAN TIM MUNSON: Yes. 5 MS. QUIANA FIELDS: Mr. Nicholson? 6 MR. HOMER NICHOLSON: Yes. 7 MS. QUIANA FIELDS: Mr. Sims? 8 MR. BILLY SIMS: Yes. 9 MS. QUIANA FIELDS: Ms. Turner? 10 MS. LORETTA TURNER: Yes. 11 MS. QUIANA FIELDS: Ms. Vaught? 12 MS. CHERYL VAUGHT: Yes. 13 MS. QUIANA FIELDS: Mr. Wendling? 14 MR. JOHN WENDLING: Yes. 15 MS. QUIANA FIELDS: Ms. Kunze? 16 CHAIRMAN JAN KUNZE: Yes. 17 MS. QUIANA FIELDS: Motion passed. 18 CHAIRMAN JAN KUNZE: Thank you. 19 And Duane, I'll let you just continue. 20 MR. DUANE WINEGARDNER: Okay. In Chapter 21 626, the Public Water Supply Construction Standards, 22 the Department is proposing to make several changes. 23 Add or clarify the definitions for the "25-year 24 flood," the "100-year flood," the "Contact Time," 25 "Community water systems," "Minor water systems," and</p>
<p>38</p> <p>1 associated with this rule. 2 The Sufficiently Sensitive Method Rule is 3 intended to allow for detection of pollutants at 4 levels that will be more accurate indication of the 5 Water Quality Standards. The rule will be implemented 6 in Appendix B of Chapter 690 which will be presented 7 later. DEQ received no formal comments on 606. Thank 8 you. 9 CHAIRMAN JAN KUNZE: Okay. Do I have any 10 questions or discussion from the Board on Chapter 606? 11 Any questions/discussion? 12 Any comments or questions from the public? 13 Being none, I will ask if I have a motion? 14 MR. SHANNON FERRELL: So move. 15 MR. DANIEL BLANKENSHIP: Second. 16 CHAIRMAN JAN KUNZE: I have a motion and 17 second. Roll call. 18 MS. QUIANA FIELDS: Mr. Blankenship? 19 MR. DANIEL BLANKENSHIP: Yes. 20 MS. QUIANA FIELDS: Mr. Ferrell? 21 MR. SHANNON FERRELL: Yes. 22 MS. QUIANA FIELDS: Mr. Griesel? 23 MR. DAVID GRIESEL: Yes. 24 MS. QUIANA FIELDS: Dr. Hammon? 25 DR. TRACY HAMMON: Yes.</p>	<p>40</p> <p>1 "Public Water Supply systems," 2 Number 2, add language requiring that maps, 3 site plans, and schematic layout of treatment 4 facilities are included with engineering reports; 5 Number 3, clarify that the requirement for 6 standby power and elevated storage is to be based on 7 off-peak hourly demand. 8 Number 4, add a requirement for a concrete 9 splash pad outside the wellhouse where blowoff valves 10 discharge. 11 Number 5, add a requirement that all filters 12 be equipped to indicate or otherwise measure head 13 loss. 14 Number 6, add a requirement that each filter 15 unit indicate the instantaneous rate of flow; 16 Number 7, clarify the requirement that 17 mechanical dewatering of residuals be constructed in 18 accordance with Chapter 656; 19 Number 8, clarify the requirements for 20 residual lagoons; 21 Number 9, add a requirement that plant 22 outfalls be designed and constructed in 23 accordance with Chapter 656 when wastewater is 24 discharged; 25 and Number 10 was some other minor</p>

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<p style="text-align: right;">41</p> <p>1 modifications.</p> <p>2 During the public meetings it was suggested</p> <p>3 that Minor water supply systems be removed from the</p> <p>4 Public Water supply definition. This change was</p> <p>5 incorporated into the text by having a separate</p> <p>6 definition for Minor water systems.</p> <p>7 DEQ received no formal comments on Chapter</p> <p>8 626.</p> <p>9 CHAIRMAN JAN KUNZE: Do I have any questions</p> <p>10 or discussion from the Board?</p> <p>11 MR. DANIEL BLANKENSHIP: I have a question.</p> <p>12 CHAIRMAN JAN KUNZE: Sure.</p> <p>13 MR. DANIEL BLANKENSHIP: The change in the</p> <p>14 definitions on -- with Public Water supply systems and</p> <p>15 Minor Public Water supply systems is just a</p> <p>16 clarification. It does not change the threshold, the</p> <p>17 current threshold difference between -- of Minor water</p> <p>18 system, is that correct?</p> <p>19 MR. DUANE WINEGARDNER: That is correct.</p> <p>20 MR. DANIEL BLANKENSHIP: Okay. So none of</p> <p>21 the current Minor water systems -- they'll continue to</p> <p>22 be regulated as Minor water systems?</p> <p>23 MR. DUANE WINEGARDNER: Oh, yes. Yes.</p> <p>24 MR. DANIEL BLANKENSHIP: Okay. Thanks.</p> <p>25 CHAIRMAN JAN KUNZE: Any additional questions</p>	<p style="text-align: right;">43</p> <p>1 MR. BILLY SIMS: Yes.</p> <p>2 MS. QUIANA FIELDS: Ms. Turner?</p> <p>3 MS. LORETTA TURNER: Yes.</p> <p>4 MS. QUIANA FIELDS: Ms. Vaught?</p> <p>5 MS. CHERYL VAUGHT: Yes.</p> <p>6 MS. QUIANA FIELDS: Mr. Wendling?</p> <p>7 MR. JOHN WENDLING: Yes.</p> <p>8 MS. QUIANA FIELDS: Ms. Kunze?</p> <p>9 CHAIRMAN JAN KUNZE: Yes.</p> <p>10 MS. QUIANA FIELDS: Motion passed.</p> <p>11 CHAIRMAN JAN KUNZE: Thank you. And Duane,</p> <p>12 I'll let you continue with 631.</p> <p>13 MR. DUANE WINEGARDNER: Thank you. For</p> <p>14 Chapter 631, Public Water Supply Operation, the</p> <p>15 Department is proposing to make the following changes:</p> <p>16 Number 1, replace "Laboratory Certification"</p> <p>17 with the new "Laboratory Accreditation" rules;</p> <p>18 Number 2, add or clarify the definitions for</p> <p>19 "Maximum contaminant level," "Maximum residual</p> <p>20 disinfectant level," "Primary Drinking Water</p> <p>21 Standards," "Public Water Supply system," "Community</p> <p>22 Water Supply system," and "Minor Water Supply system,"</p> <p>23 Number 3, update the rules concerning the</p> <p>24 date of incorporation by reference of certain federal</p> <p>25 regulations from July 1st, 2014 to July 1st, 2015;</p>
<p style="text-align: right;">42</p> <p>1 or discussion from the Board?</p> <p>2 Do I have any comments or questions from the</p> <p>3 public?</p> <p>4 With that, I'll ask if I have a motion.</p> <p>5 MR. DANIEL BLANKENSHIP: So moved.</p> <p>6 CHAIRMAN JAN KUNZE: I have a motion. Do I</p> <p>7 have a second?</p> <p>8 VICE CHAIRMAN TIM MUNSON: Second.</p> <p>9 CHAIRMAN JAN KUNZE: Motion and second. Roll</p> <p>10 call.</p> <p>11 MS. QUIANA FIELDS: Mr. Blankenship?</p> <p>12 MR. DANIEL BLANKENSHIP: Yes.</p> <p>13 MS. QUIANA FIELDS: Mr. Ferrell?</p> <p>14 MR. SHANNON FERRELL: Yes.</p> <p>15 MS. QUIANA FIELDS: Mr. Griesel?</p> <p>16 MR. DAVID GRIESEL: Yes.</p> <p>17 MS. QUIANA FIELDS: Dr. Hammon?</p> <p>18 DR. TRACY HAMMON: Yes.</p> <p>19 MS. QUIANA FIELDS: Mr. Kinder?</p> <p>20 MR. JAMES KINDER: Yes.</p> <p>21 MS. QUIANA FIELDS: Mr. Munson?</p> <p>22 VICE CHAIRMAN TIM MUNSON: Yes.</p> <p>23 MS. QUIANA FIELDS: Mr. Nicholson?</p> <p>24 MR. HOMER NICHOLSON: Yes.</p> <p>25 MS. QUIANA FIELDS: Mr. Sims?</p>	<p style="text-align: right;">44</p> <p>1 Number 4, the additional listing of headings</p> <p>2 and subparts for federal rules that have already been</p> <p>3 adapted in previous rulemakings, which is intended to</p> <p>4 make these rules easier to identify and locate;</p> <p>5 Number 5, clarify the requirements for</p> <p>6 laboratory accreditation and validation of data to be</p> <p>7 consistent with federal requirements (this includes</p> <p>8 emergency reporting of positive E. coli results), and</p> <p>9 Number 6, several other minor modifications.</p> <p>10 During the informal public meetings a</p> <p>11 suggestion was made that Minor water supply system be</p> <p>12 removed from the Public Water Supply system</p> <p>13 definition. This change was incorporated into the</p> <p>14 text by having a separate definition for Minor water</p> <p>15 system.</p> <p>16 And it was suggested that the original</p> <p>17 proposed language on emergency notification was too</p> <p>18 vague. So staff modified 631-3-2 to clarify that all</p> <p>19 E. coli positive results must be reported to the</p> <p>20 designated Water Quality Division personnel</p> <p>21 immediately by phone and by e-mail.</p> <p>22 DEQ received no formal comments on 631.</p> <p>23 CHAIRMAN JAN KUNZE: Do I have any questions</p> <p>24 or discussion from the Board? Questions or</p> <p>25 discussion?</p>

<p style="text-align: right;">45</p> <p>1 Any questions, comments or discussion from 2 the public? 3 With that, I'll ask if I have a motion for 4 permanent adoption. 5 VICE CHAIRMAN TIM MUNSON: Move for adoption. 6 MR. HOMER NICHOLSON: Second. 7 CHAIRMAN JAN KUNZE: I have a motion and 8 second. Roll call. 9 MS. QUIANA FIELDS: Mr. Blankenship? 10 MR. DANIEL BLANKENSHIP: Yes. 11 CHAIRMAN JAN KUNZE: Mr. Ferrell? 12 MR. SHANNON FERRELL: Yes. 13 MS. QUIANA FIELDS: Mr. Griesel? 14 MR. DAVID GRIESEL: Yes. 15 MS. QUIANA FIELDS: Dr. Hammon? 16 DR. TRACY HAMMON: Yes. 17 MS. QUIANA FIELDS: Mr. Kinder? 18 MR. JAMES KINDER: Yes. 19 MS. QUIANA FIELDS: Mr. Munson? 20 VICE CHAIRMAN TIM MUNSON: Yes. 21 MS. QUIANA FIELDS: Mr. Nicholson? 22 MR. HOMER NICHOLSON: Yes. 23 MS. QUIANA FIELDS: Mr. Sims? 24 MR. BILLY SIMS: Yes. 25 MS. QUIANA FIELDS: Ms. Turner?</p>	<p style="text-align: right;">47</p> <p>1 reference to the federal rules from July 1st, 2015 -- 2 13, excuse me, to July 1st, 2015. The significant 3 rules, federal rules, that are incorporated include 4 the cooling water intake rule, which is intended to 5 protect aquatic life from becoming entrapped or taken 6 into the cooling water system. DEQ has provided 7 outreach to all the power plants to try to provide 8 technical assistance on the requirements and 9 deadlines. 10 And the Sufficiently Sensitive Monitoring 11 Rule is intended to allow the detection of 12 pollution -- pollutants at levels that will be a more 13 accurate indication of Water Quality Standards. To 14 incorporate this rule, DEQ has chosen to revoke 15 Appendix B, "Priority and Nonpriority Pollutants and 16 Numerical Criteria Requiring Reasonable Potential 17 Screening" and replace with an amended version of 18 Appendix B that includes updated minimum qualification 19 levels (MQLs) for measuring the presence of and the 20 level of various pollutants in wastewater discharges. 21 DEQ decided that this would be the least burdensome 22 way to implement the SSMR for both DEQ and the 23 regulated community. 24 As a result of the Sufficiently Sensitive 25 Monitoring Rule, DEQ formed an internal DEQ work group</p>
<p style="text-align: right;">46</p> <p>1 MS. LORETTA TURNER: Yes. 2 MS. QUIANA FIELDS: Ms. Vaught? 3 MS. CHERYL VAUGHT: Yes. 4 MS. QUIANA FIELDS: Mr. Wendling? 5 MR. JOHN WENDLING: Yes. 6 MS. QUIANA FIELDS: Ms. Kunze? 7 CHAIRMAN JAN KUNZE: Yes. 8 MS. QUIANA FIELDS: Motion passed. 9 CHAIRMAN JAN KUNZE: Thank you. Duane, 10 you're three for three, if you want to try again. 11 MR. DUANE WINEGARDNER: Appreciate that. 12 Okay. Moving on. This is -- this is nice. 13 Appreciate this. 14 For Chapter 690, the Water Quality Standards 15 Implementation, the Department is proposing these 16 changes: 17 Number 1, delete the term colony forming 18 units from this rule, which will allow the permit 19 holder to choose from additional methods for bacteria 20 testing and is in accordance with the Oklahoma's Water 21 Quality Standards made by the Oklahoma Water Resources 22 Board; 23 Number 2, update a reference to a 24 previously-revoked rule in Chapter 605; and 25 Number 3, update the date of incorporation by</p>	<p style="text-align: right;">48</p> <p>1 composed of representatives from the Water Quality 2 Division and the State Environmental Laboratory 3 Services Division, which developed a list of proposed 4 MQL updates which were benchmarked for quantification 5 levels that is sufficient -- anyways, the SELS -- I 6 hate acronyms -- is currently able to obtain. 7 These proposed MQLs updates were then 8 distributed to a group of representatives from 9 commercial and municipal laboratories for external 10 stakeholder review. The stakeholders made written 11 comments to DEQ's internal group, and they reviewed 12 the comments and made appropriate modifications to 13 Appendix B prior to the informal public meetings. 14 At the November informal public meetings, 15 DEQ's stakeholders and laboratories agreed that 16 complying with this rule would cause an increase in 17 costs. 18 DEQ received no formal comments on 690. 19 Thank you. 20 CHAIRMAN JAN KUNZE: Okay. Any questions or 21 discussion on 690 from the Board? 22 DR. TRACY HAMMON: Yeah. I have a question. 23 And perhaps I just need education on this a little 24 bit. 25 But when we remove the term "colony forming</p>

<p style="text-align: right;">49</p> <p>1 unit" from some of these measures, say on page 11 of 2 our handout, it says that E. coli when "the monthly 3 geometric mean shall not exceed 630 CFUs per 100 mls." 4 now it's just 630 per 100 mls. What is that 630 5 referred to in this point? 6 MR. DUANE WINEGARDNER: I think I'm going to 7 ask Mark to comment on that. 8 MR. CHRIS ARMSTRONG: Or Chris. 9 MR. DUANE WINEGARDNER: Or Carl. Or excuse 10 me. They work with these -- they work with these 11 things every day. 12 MR. CHRIS ARMSTRONG: Hi. This is Chris 13 Armstrong, State Environmental Labs. 14 Part of the controversy was over colony 15 forming units versus MPN, most probable number. And 16 what actually, the -- statistically this has been 17 argued for years as to the significant difference 18 between those two test methods. This gives the 19 facilities the opportunity to either utilize a lab 20 that's utilizing a method that's accredited to an MPN 21 method or a colony forming unit method. And that's 22 why -- it's actually -- Excuse me. That's why Water 23 Quality Standards actually have gone to number per 100 24 mls. The federal regs have gone to number per 100 mls 25 as well.</p>	<p style="text-align: right;">51</p> <p>1 MS. QUIANA FIELDS: Mr. Kinder? 2 MR. JAMES KINDER: Yes. 3 MS. QUIANA FIELDS: Mr. Munson? 4 VICE CHAIRMAN TIM MUNSON: Yes. 5 MS. QUIANA FIELDS: Mr. Nicholson? 6 MR. HOMER NICHOLSON: Yes. 7 MS. QUIANA FIELDS: Mr. Sims? 8 MR. BILLY SIMS: Yes. 9 MS. QUIANA FIELDS: Ms. Turner? 10 MS. LORETTA TURNER: Yes. 11 MS. QUIANA FIELDS: Ms. Vaught? 12 MS. CHERYL VAUGHT: Yes. 13 MS. QUIANA FIELDS: Mr. Wendling? 14 MR. JOHN WENDLING: Yes. 15 MS. QUIANA FIELDS: Ms. Kunze? 16 CHAIRMAN JAN KUNZE: Yes. 17 MS. QUIANA FIELDS: Motion passed. 18 CHAIRMAN JAN KUNZE: Thank you. 19 I want to thank all the Councils for their 20 work and for bringing us all that information. 21 Our next item, I'm going to turn over to 22 Scott for the Executive Director's Report. It's a 23 busy time of year. I know a -- a lot happening at the 24 legislature, a lot with budget, and a lot going on 25 within the agency.</p>
<p style="text-align: right;">50</p> <p>1 DR. TRACY HAMMON: Okay. Thank you. 2 MR. CHRIS ARMSTRONG: Does that help? 3 DR. TRACY HAMMON: Yes. Thank you for 4 clarifying. 5 MR. DUANE WINEGARDNER: Thank you, Chris. 6 CHAIRMAN JAN KUNZE: Okay. Any additional 7 questions or comments from the Board? Everyone's 8 losing their voice, so that may be moving us along. 9 Questions or comments from the public? 10 Questions or comments from the public? 11 With that, I will ask if I have a motion. 12 MR. DANIEL BLANKENSHIP: I move approval. 13 CHAIRMAN JAN KUNZE: I have a motion. Do I 14 have a second? 15 MR. HOMER NICHOLSON: Second. 16 CHAIRMAN JAN KUNZE: Homer, I have a motion 17 and second. Roll call vote. 18 MS. QUIANA FIELDS: Mr. Blankenship? 19 MR. DANIEL BLANKENSHIP: Yes. 20 MS. QUIANA FIELDS: Mr. Ferrell? 21 MR. SHANNON FERRELL: Yes. 22 MS. QUIANA FIELDS: Mr. Griesel? 23 MR. DAVID GRIESEL: Yes. 24 MS. QUIANA FIELDS: Dr. Hammon? 25 DR. TRACY HAMMON: Yes.</p>	<p style="text-align: right;">52</p> <p>1 And I'll turn the floor over to Scott. 2 MR. SCOTT THOMPSON: Thank you. While I give 3 you a brief update on legislation that's over at the 4 capitol, I may have to call on Jimmy if we have 5 follow-up questions on that. 6 But we have a bill on amending the Solid 7 Waste Rules so that we can implement the rules we just 8 passed for our CCR so that they're consistent with the 9 federal requirements. And that passed out of 10 committee. 11 We have a bill on being able to contract 12 directly with rural water for training, which we've 13 done for years and there's been historical statutory 14 authority to do that. I'm going for a permanent one, 15 instead of having to try to redo it every year. And 16 that bill passed out of committee as well. 17 The remaining bill that we have put forth 18 allows for modifying the public notice requirements 19 for permits, et cetera, to add electronic notices as a 20 method to do public notice. And some of the newspaper 21 folks are concerned that it's -- that we're looking to 22 get rid of the requirement to publish in a local 23 newspaper. And that's not what we're doing. We're 24 just trying to clarify that statutorily it's a good 25 thing to do and somewhat head towards the future in</p>

<p style="text-align: right;">53</p> <p>1 that. It's not necessarily a critical bill to us. So 2 we'll see. I think next week that one may come up and 3 we'll see if it gets through committee. 4 There is also some bills to watch out there. 5 One key one that did get through committee and it's 6 going to the Senate floor -- Jimmy may have to help me 7 with the bill number -- but it was a bill that allows 8 the legislature to approve or disapprove or amend 9 rules. And to go through the process that we do with 10 talking to the Governor's office about what we're 11 going to present to a Council, going through multiple 12 Council meetings usually, going to the Board, going 13 back to the Governor and the legislature, for now, 14 currently, it's required that they affirmatively 15 approve a rule. Historically, it had been 16 affirmatively disapprove a rule they didn't like. So 17 if they didn't take action, other rules were okay. 18 And the last two years that that's been in effect, the 19 Senate has not taken up rules and affirmatively 20 approved them. And after the session the Governor, at 21 the end of the session, the Governor's had to act to 22 affirm rules in lieu of the Senate taking their 23 action. 24 So, this is kind of a -- I don't know what 25 the point is exactly. I do have some concerns if the</p>	<p style="text-align: right;">55</p> <p>1 majority of folks who are -- who understand that will 2 comply with the federal rule, regardless of what we 3 say or do. 4 So, again, that's not -- it may have -- 5 the -- these folks probably have good intentions and 6 I'd be all for it, you know, poking some of the 7 federal things with a sharp stick as much as I can, 8 but I think we need to do it in a way that actually 9 has a chance to, you know, to win, to prevail, not in 10 a way that just sets us up for serious problems. 11 So, you know, you all may want to take a look 12 at those and speak your peace to whoever you choose to 13 about those things to help them, maybe, understand 14 sort of the reality we're facing. 15 Now there is some situations in which we've 16 recently experienced where one or two people in the 17 federal government can change the interpretation of a 18 law, of a statute or a rule, arbitrarily on their own 19 without going through a rulemaking and, essentially, 20 change federal law. 21 (Whereupon, Mr. Steve Mason entered the 22 meeting.) 23 MR. SCOTT THOMPSON: And so, I'd be perfectly 24 happy to stand up against that and say, no, we're not 25 doing that, because you didn't go through a proper</p>
<p style="text-align: right;">54</p> <p>1 legislature were to arbitrarily amend rules maybe for 2 one party or without even understanding what the rules 3 are and how would -- the process that we go through to 4 create them and implement them and make sure that 5 they're protective of the environment and not too 6 onerous for the folks that have to be regulated. 7 I think that's a pretty dangerous thing to 8 do. If they never take up the affirmative approval or 9 disapproval amendment, it may not matter. But it's -- 10 I don't know. But that one's sitting out there and 11 it's going to go before the full Senate. You might 12 want to take a look at that. 13 And there's also another rule that I don't 14 believe has gone through committee yet, I'm not quite 15 sure, on basically stating that we don't have to 16 follow federal rules and state employees are exempt 17 from liability. It has gone through a committee, so 18 it may be going to the floor as well, that state 19 employees are exempt from liability if we choose not 20 to implement federal rules. That does not help the 21 regulated community. So the regulated community will 22 be sitting there with a big target on their back. 23 And, you know, and EPA or other folks may decide to 24 step in and take direct enforcement on local 25 governments or industry to their detriment. And the</p>	<p style="text-align: right;">56</p> <p>1 rulemaking, et cetera. 2 Still, we have to be careful and we have to 3 walk that fine line that we're in compliance with 4 federal rules, even when we're pushing back on stuff 5 that doesn't make sense or is not even environmentally 6 protective. 7 So Jimmy, do you have those bill numbers? 8 MR. JIMMY GIVENS: Well, I think the one you 9 referred to about amendments to rules after it leaves 10 the legislature, actually there's a couple of bills. 11 SB -- 12 CHAIRMAN JAN KUNZE: Jimmy, I might ask you 13 to come to the mic. 14 MR. JIMMY GIVENS: Sure. My apology. Jimmy 15 Givens. I'm the Deputy Director. 16 A couple of bills that were mentioned, and I 17 should -- even those these have been through a 18 committee, I should mention, Michelle reminded me, the 19 title is off, which means that there will be 20 additional work done on them as they make their way 21 through the process. 22 Senate Bill 1130 is the one that Scott 23 referred to about amendments made by -- to rulemaking 24 by the legislature. 25 Senate Bill 1161 has to do with federal rules</p>


<p>57</p> <p>1 being subject to review by the legislature and the 2 non-liability of state employees for not complying 3 with those federal rules. 4 I think those are the main two that you 5 brought up. 6 Senate Bill 1292 also has to do with the 7 legislature having the capability to amend rules, 8 rather than simply offer a thumbs up or a thumbs down. 9 And I don't know whether you intended to mention the 10 so-called Reconciliation Bill or not. 11 MR. SCOTT THOMPSON: Yeah. Which number is 12 that? 13 MR. JIMMY GIVENS: That's House Bill 3058. 14 MR. SCOTT THOMPSON: Okay. Yeah. There's a 15 bill that calls for OMES to be able to reconcile 16 revolving funds in August each year, which there's no 17 clarity as to what that means. It sort of appears at 18 the moment to mean that after you go through the 19 budget process and they decide to set your general 20 appropriations, they maybe take some revolving funds, 21 that OMES might be able to dip in and take more money 22 out of your revolving fund without -- essentially no 23 controls. 24 So, you know, I can envision a scenario where 25 we're facing potentially -- I can't remember what the</p>	<p>59</p> <p>1 where people are getting more general revenue than 2 they need to operate in a given year, that might make 3 some sense. But it's just not clear at all what that 4 means. And so we're going to keep an eye on that one. 5 Okay. And on to the other business. You 6 know, you're all aware of, I think, the water issues 7 in Flint, Michigan. And we've been looking at that, 8 trying understand what happened there. And we're 9 going to convene some internal meetings and make sure 10 that we're covering all our bases with regard to that. 11 We don't expect that we would have a similar 12 problem here. One, we don't have very much lead pipe, 13 like they do in other parts of the country. We also 14 test for some things, like alkalinity and pH, that 15 some of these folks don't test for on a regular basis, 16 which would indicate whether you have a corrosivity 17 problem and that you need to address that in your 18 treatment early, before you get it in your system. 19 So, you know, we're trying to look at what's 20 happened there and make sure that we don't have any 21 issue and learn from it and do better here. 22 And then another topic that gets a lot of 23 attention is seismicity. And, you know, are landfills 24 safe, are water wells safe, is our hazardous waste 25 landfill safe. And, you know, we've been taking</p>
<p>58</p> <p>1 term is now -- I'd consider it assimilation. But I 2 think it might be unification of IT stuff where -- 3 that that's a changing definition of what that means. 4 It's starting to sound a little more reasonable these 5 days. But they're saying that they want agencies to 6 upgrade their IT infrastructure, hardware and such 7 before this. But if you can't afford it, then they'll 8 rent it to you. So I can kind of foresee them taking 9 money out of the revolving fund, buying equipment and 10 making me rent it from them. So I don't like that at 11 all. I'm kind of a tightwad. I would rather pay 12 stuff off than pay rent forever. 13 So I don't know quite what that means, how 14 that's going to work, but that's something to keep an 15 eye on. It's a little bit concerning, since to date 16 we haven't really heard any details or aren't really 17 quite able to understand how that's supposed to work. 18 So and I do believe there are some agencies 19 that carry over general revenue from year to year, so 20 they may not spend all their general revenue they get 21 in a given year. We spend all of ours. 22 We do carry over fee money from year to year 23 or perhaps settlement funds, or something like that, 24 that came from a legal settlement. But, you know, if 25 they were going to look at those general revenues</p>	<p>60</p> <p>1 another look at that and we have some information in 2 your packets with regard to some of our research on 3 that. Everything looks pretty good. 4 The standard landfill design these days is 5 pretty -- is not very susceptible to seismic issues. 6 You know, maybe if you had a large landfill on the 7 side of a pretty steep hill, or something like that, 8 you'd have a little more potential for slippage or 9 something, but we don't have those kind of situations. 10 And so, we're going to be evaluating that, determining 11 whether we need to update anything. 12 If USGS updates their map, that affects some 13 of what we do, then we will take a look at that and 14 adopt that, incorporate whatever we need to do. 15 And in December, Secretary Teague and the 16 Secretary of Health and Agriculture and the Agency 17 Directors and Lab Directors all toured each other's 18 labs. There are three main labs that the state runs. 19 And we determined that the labs are already 20 cooperating quite a bit, more than any of us really 21 understood, except maybe the Lab Directors, in working 22 together comprehensively. 23 And there's not really a lot of savings, you 24 know, to try to consider consolidating those 25 laboratories. They do different things, use different</p>

<p style="text-align: right;">61</p> <p>1 methodologies. Our lab does a couple hundred 2 different methods and is accredited for those and it 3 has to accredit other people for most of those 4 methods. 5 And so, you know, the complexity of that is 6 not well understood by people that think, well, one 7 lab is a lab. They've got this piece of equipment or 8 a similar piece of equipment, you can just run 9 anything, you know. That's not how it works. It 10 takes several years to set up and be proficient and 11 make sure things are working well. And there's really 12 not room in anybody's facility to take other people 13 in. 14 So, but we're going to have the -- at 15 Secretary Teague's direction, we are going to have the 16 Lab Directors meet routinely and see if there is any 17 ways that we can save some money, like equipment 18 purchases or long term maintenance contracts for 19 equipment that we could go together on, maybe get a 20 better price, et cetera. So I think that's going to 21 be helpful. 22 And, you know, our laboratory -- many of our 23 methods are not supported by our fees. And I don't 24 think the other agencies would be terribly interested 25 in taking on methods that weren't supported by the</p>	<p style="text-align: right;">63</p> <p>1 We've also, you know, its Oklahoma. Every 2 year we always have natural disasters. And recently 3 we've had some major issues with some storms and brush 4 management and we've been helping some local towns out 5 with projects to take care of that brush. 6 And one of the things we're trying to do is 7 to help these communities get used to the idea of 8 using air curtain incinerators. It's basically a big, 9 giant fan. And if you dig a pit and you manage it 10 right, you get a very clean burn. If you don't do it 11 right, you don't get a clean burn, you get a lot of 12 soot and smoke in the air and stuff. And so, but 13 it's -- you know, it's a new technology and you can 14 burn up your air curtain incinerator pretty fast if 15 you don't do it right. 16 And so, we're working with communities to try 17 to get them used to the idea of using those. And 18 parts of the state it's mandatory. And we think it's 19 just wise to try to go that direction. 20 We also like to help with chipping and 21 grinding of brush to use as soil amendments. But it's 22 more expensive than the air curtain incinerators. So 23 but that's probably the direction people are going to 24 be going more, unless they already have the 25 chipping/grinding equipment.</p>
<p style="text-align: right;">62</p> <p>1 fees that would be collected. 2 So, the -- all right. In 2015, we've worked 3 with the Department of Commerce and they reported 123 4 new and expanding businesses in the state. Of those 5 123, DEQ provided customer and technical assistance to 6 64. We're working with the Department of Commerce to 7 look at the economics of some of what we do, 8 Brownfield sites in particular, and try to, you know, 9 make it clear to people how important for the economy 10 some of what we do in the environmental regulation or 11 clean-up world is for Oklahoma. And so, we'll bring 12 that information as we get that better developed. 13 But, you know, it's not too hard, when you 14 look at where the Thunder play, the arena there, I 15 guess it's back to Chesapeake Arena, I can't remember, 16 and Bricktown and a lot of those areas that we've done 17 voluntary clean ups or we've assisted Oklahoma City 18 and we've done this in other parts of the state, 19 Tulsa, et cetera, where you have major developments go 20 on that might not happen if people were too afraid of 21 the environmental issues. Even sometimes just the 22 potential for an environmental issue that may not even 23 exist, but we need to go in and document it, it 24 doesn't exist and it's not harmful and they can go 25 forward with those projects.</p>	<p style="text-align: right;">64</p> <p>1 But I think we may have mentioned this 2 before. But we were the first agency to reach the 3 Governor's 20 percent energy reduction goal by 2020. 4 And we've -- we're now heading towards 30 percent 5 energy reduction. And some of the things we're doing, 6 there is not too long a payback. So it's actually 7 conserving funds to do some of this stuff. If you 8 look over a, you know, five year time scale. So we 9 hope that we continue to find ways to improve our 10 efficiency and get a pay off for it. 11 So in 2015, December of 2015, we used three 12 and a quarter percent less electricity than we did the 13 year before in December. So that's one measure of the 14 improvement that we've made and how we've attacked 15 this. 16 You know, agency morale is a concern that you 17 guys have expressed to us that you wanted to keep tabs 18 on. And so we've begun the process of doing another 19 employee survey, similar to the one we did two years 20 ago. Saba Tahmassebi is in charge of that. And he's 21 made good progress. We've talked to OMES about their 22 processes for survey and it was determined that it'd 23 probably be best to do one that was similar to the one 24 that we did two years ago to see what the changes are. 25 And so, he has worked on that and we will be</p>

<p style="text-align: right;">65</p> <p>1 presenting that to you after the survey is conducted.</p> <p>2 CHAIRMAN JAN KUNZE: Scott, do you have a</p> <p>3 timeline on that?</p> <p>4 MR. SCOTT THOMPSON: I do not. Is Saba here?</p> <p>5 MS. KATHY AEBISCHER: End of February.</p> <p>6 By the end of February.</p> <p>7 MR. SCOTT THOMPSON: He -- Okay. Yeah.</p> <p>8 February. The end of this month, Saba?</p> <p>9 MR. SABA TAHMASSEBI: Yes.</p> <p>10 MR. SCOTT THOMPSON: Thank you. Yeah. He's</p> <p>11 got it pretty well developed. So it's just a matter</p> <p>12 of getting it implemented with SurveyMonkey or</p> <p>13 whatever we're going to use. I think that's what</p> <p>14 we're going to use.</p> <p>15 So, you know, and, you know, we have -- I'd</p> <p>16 just like to say how much I appreciate the staff and</p> <p>17 all the things they do. We have a very high quality</p> <p>18 staff. And it's been challenging the last several</p> <p>19 years to hang on to some of them, and we've lost quite</p> <p>20 a few. And, you know, the silver lining to a oil bust</p> <p>21 for us usually is that we can pick up some more high</p> <p>22 quality folks with outside experience. And it's</p> <p>23 healthy for the agency to do so. But with the state's</p> <p>24 current budget crisis, it doesn't look like we're</p> <p>25 going to be able to take advantage of that this time.</p>	<p style="text-align: right;">67</p> <p>1 So for this current fiscal year, as of</p> <p>2 January 31st, this is a snapshot of our revenue. We</p> <p>3 are down overall about 700,000. We think most of that</p> <p>4 is timing differences. We should catch up. There's a</p> <p>5 portion of the lab that we believe we probably will</p> <p>6 not receive due to the state appropriation cuts. One</p> <p>7 is a contract with the Water Resource Board. So</p> <p>8 they're going to have to cut their budget which</p> <p>9 affects that piece for the lab.</p> <p>10 Expenditures. We are on target. We don't</p> <p>11 have any concerns. We have been planning for a year</p> <p>12 to be able to react to any budget issues that might</p> <p>13 come up. So for this year, we're in good shape. We</p> <p>14 know that next year we're going to have some</p> <p>15 challenges, but we have put in place regular monthly</p> <p>16 meetings with each division that finance has so that</p> <p>17 we can talk through current numbers, any actions that</p> <p>18 we need to take, foreseeing any slide in revenue or</p> <p>19 general appropriations.</p> <p>20 This is where we are on all funding sources</p> <p>21 as of January 31st of this year. We have -- like I</p> <p>22 said, don't have any concerns at this point. But we</p> <p>23 just started the process for FY-17. We're going to</p> <p>24 have some scenarios, because right now we just don't</p> <p>25 have a lot of information on, you know, what the</p>
<p style="text-align: right;">66</p> <p>1 But, nevertheless, the folks we have, I</p> <p>2 think, you know, we understand that it's very dark for</p> <p>3 the state's budget outlook probably for the next year</p> <p>4 for sure. Hopefully it will get better after that.</p> <p>5 But we'll have to see. And our folks are going to</p> <p>6 have to do a little more with less. And I think</p> <p>7 they're prepared to do that. They've been able to do</p> <p>8 it in the past when we've been through circumstances</p> <p>9 like this. And so, I just -- I'd really like to</p> <p>10 commend our staff and the work that they do.</p> <p>11 Also, to give you a brief update on budget,</p> <p>12 I'd like to ask Kathy Aebischer, our CFO, to come up.</p> <p>13 I believe that you have a handout in your packets.</p> <p>14 MS. CAROL BARTLETT: I will ask the Board to</p> <p>15 move this way so we can --</p> <p>16 MR. SCOTT THOMPSON: Oh, okay. Are we going</p> <p>17 to project it? So I've got to move.</p> <p>18 MS. CAROL BARTLETT: You all have to move</p> <p>19 your chairs, too, so the bottom part is not cut off.</p> <p>20 Kathy, is your clicker working? Push that</p> <p>21 middle part.</p> <p>22 MS. KATHY AEBISCHER: Yes.</p> <p>23 Well, good morning. Kathy Aebischer, DEQ</p> <p>24 Chief Financial Officer. I was going to give you an</p> <p>25 overview of the current state of DEQ.</p>	<p style="text-align: right;">68</p> <p>1 results of the budget is going to be. So we're having</p> <p>2 each division come up with several scenarios so that</p> <p>3 we can be ready to run on July 1.</p> <p>4 That's about everything I have. Are there</p> <p>5 any questions?</p> <p>6 MR. STEVE MASON: Kathy, Steve Mason of the</p> <p>7 Board.</p> <p>8 The Governor's already mandated budget cuts,</p> <p>9 The six percent they're talking about, how is it that</p> <p>10 for this budget?</p> <p>11 MS. KATHY AEBISCHER: For this current year,</p> <p>12 the revenue failures that have been happening has not</p> <p>13 affected DEQ. If you remember, we had a discussion</p> <p>14 last year that they switched us to a different fund, a</p> <p>15 special cash fund. It's still state appropriated, but</p> <p>16 the requirements on that fund is different. We get</p> <p>17 the majority of the funds up front. And if there's a</p> <p>18 revenue failure, it doesn't affect us.</p> <p>19 So, we were kind of concerned in the first</p> <p>20 part of the year, because we've always been in general</p> <p>21 appropriations. But it's actually worked out well for</p> <p>22 us.</p> <p>23 So for this year, we are in good shape. Not</p> <p>24 sure if that's going to, you know, kind of come into</p> <p>25 their planning that we're in a different fund, so</p>

<p style="text-align: right;">69</p> <p>1 they're going to make up for the reductions next year. 2 Don't know. That's why we've put into place several 3 scenarios, especially for those divisions that are 4 heavily state appropriated. But as of — for this 5 fiscal year, those revenue failures do not affect DEQ. 6 MR. JIMMY GIVENS: Kathy, I think it might be 7 worth mentioning though that the Governor's budget 8 proposal adds on to our cut for next year. So if it 9 went through the way the Governor has proposed, we 10 would actually take a slightly higher cut next year in 11 general appropriations. 12 MS. KATHY AEBISCHER: Any other questions? 13 MR. SCOTT THOMPSON: In regard to that last 14 point, the Governor has proposed a three percent cut, 15 in addition to the six percent that they're proposing 16 for other agencies. So a total for us of nine 17 percent, as opposed to six percent next year. You 18 know, maybe that won't happen. We'll see. 19 That's all I have, unless you guys have any 20 questions. 21 CHAIRMAN JAN KUNZE: Scott, I was going to 22 mention, I know there's a lot of appointments and 23 reappointments happening right now to your Councils. 24 Is it next week you have the orientation session for 25 -- for new appointees?</p>	<p style="text-align: right;">71</p> <p>1 Board. I know that this — I guess I'm real proud to 2 serve on this Board. I know everybody takes our 3 responsibilities seriously and wants to be as well 4 informed on those decisions as we can be. 5 We are responsible to a point and set the 6 compensation for the Executive Director of the agency. 7 And along with that, Title 25 of the Oklahoma Statutes 8 allows us to go into executive session to discuss any 9 personnel matters. 10 Since our last meeting, we all know 11 information continues to change and nothing is staying 12 the same. I have been bombarded with news stories on 13 the budget. Scott's report mentions it. 14 I'm going to ask if it would be the Board's 15 wishes to go into executive session. I'd like to 16 invite Secretary Teague to join us in that executive 17 session for a discussion. 18 MR. SHANNON FERRELL: I move to meet in 19 executive session. 20 MR. JAMES KINDER: Second. 21 CHAIRMAN JAN KUNZE: Okay. I have a motion 22 and second that we go into executive session. 23 MS. QUIANA FIELDS: Mr. Blankenship? 24 MR. DANIEL BLANKENSHIP: Yes. 25 MS. QUIANA FIELDS: Mr. Ferrell?</p>
<p style="text-align: right;">70</p> <p>1 MR. MARK HILDEBRAND: March 24th. 2 MR. SCOTT THOMPSON: March 24th. 3 CHAIRMAN JAN KUNZE: Okay. Coming up next 4 month. I think that's a good idea. 5 MR. SCOTT THOMPSON: Right. Yeah. We're 6 going to try to do that every year and we may do some 7 additional, change it up a little bit in the future. 8 But we're going to repeat something similar to what 9 you've seen before March 24th. 10 CHAIRMAN JAN KUNZE: Does anybody have any 11 questions or discussion with Scott on any of the 12 items? 13 Well, thank you, Scott. 14 MR. JOHN WENDLING: I just want to make a 15 comment. I wanted to thank Scott for keeping — 16 keeping the budget on the Agenda, because in previous 17 years it's not something we were very transparent 18 about for the group. And I appreciate that, because 19 it keeps it on our minds. And if we have issues, we 20 can bring it up. So I'm very appreciative of that. 21 Thank you. 22 CHAIRMAN JAN KUNZE: That's a good comment, 23 John. I echo that. 24 With that, our next Agenda item relates to 25 some of the statutory authority that's given to the</p>	<p style="text-align: right;">72</p> <p>1 MR. SHANNON FERRELL: Yes. 2 MS. QUIANA FIELDS: Mr. Griesel? 3 MR. DAVID GRIESEL: Yes. 4 MS. QUIANA FIELDS: Dr. Hammon? 5 DR. TRACY HAMMON: Yes. 6 MS. QUIANA FIELDS: Mr. Kinder? 7 MR. JAMES KINDER: Yes. 8 MS. QUIANA FIELDS: For the record, Mr. Mason 9 has entered the meeting. 10 Mr. Mason? 11 MR. STEVE MASON: Yes. 12 MS. QUIANA FIELDS: Mr. Munson? 13 MR. TIM MUNSON: Yes. 14 MS. QUIANA FIELDS: Mr. Nicholson? 15 MR. HOMER NICHOLSON: Yes. 16 MS. QUIANA FIELDS: Mr. Sims? 17 MR. BILLY SIMS: Yes. 18 MS. QUIANA FIELDS: Ms. Turner? 19 MS. LORETTA TURNER: Yes. 20 MS. QUIANA FIELDS: Ms. Vaught? 21 MS. CHERYL VAUGHT: Yes. 22 MS. QUIANA FIELDS: Mr. Wendling? 23 MR. JOHN WENDLING: Yes. 24 MS. QUIANA FIELDS: Ms. Kunze? 25 CHAIRMAN JAN KUNZE: Yes.</p>

<p style="text-align: right;">73</p> <p>1 MS. QUIANA FIELDS: Motion passed.</p> <p>2 CHAIRMAN JAN KUNZE: Thank you.</p> <p>3 Along with that I'll ask, we need somebody to</p> <p>4 take minutes of the executive session. I think</p> <p>5 everybody knows that I won't hesitate to just tag</p> <p>6 somebody to do that, but I'll ask if anybody wants to</p> <p>7 volunteer before I do.</p> <p>8 MS. CHERYL VAUGHT: I will do it again.</p> <p>9 CHAIRMAN JAN KUNZE: Cheryl, thank you very</p> <p>10 much. And I know schedules are tight. And there is a</p> <p>11 couple of people that have conflicts. I understand</p> <p>12 that.</p> <p>13 So I'm going to say we'll take a quick break,</p> <p>14 we'll go into executive session. I'm going to invite</p> <p>15 Secretary Teague to join us.</p> <p>16 And I did want to mention that, if there's</p> <p>17 anybody here that would like to speak following the</p> <p>18 meeting at the public forum, there is a sign-up over</p> <p>19 at the table. Please, do that.</p> <p>20 (Whereupon, at 10:52 A.M. the Board recessed</p> <p>21 to go into executive session.)</p> <p>22 (Whereupon, at 11:39 A.M. the Board went back</p> <p>23 on the record.)</p> <p>24 CHAIRMAN JAN KUNZE: I like this meeting. I</p> <p>25 get to hit the gavel again.</p>	<p style="text-align: right;">75</p> <p>1 MR. JOHN WENDLING: Yes.</p> <p>2 MS. QUIANA FIELDS: Ms. Kunze?</p> <p>3 CHAIRMAN JAN KUNZE: Yes.</p> <p>4 I want to make a few comments. We were able</p> <p>5 to have a discussion with Secretary Teague. And just</p> <p>6 like some other comments that were made in this</p> <p>7 meeting, we've had comments from Bud Ground in</p> <p>8 industry on support of the agency and directions and</p> <p>9 different things that are coming.</p> <p>10 We've had comments from Secretary Teague and</p> <p>11 his compliments in the direction of the agency and</p> <p>12 changes in customer service and being able to work.</p> <p>13 John Wendling was able to make some comments,</p> <p>14 how much we appreciate the openness about the budget</p> <p>15 and the sharing of information.</p> <p>16 I want to say that we continued that</p> <p>17 discussion and gathered additional information from</p> <p>18 Secretary Teague. And as a Board, we just want to</p> <p>19 emphasize how much we support Scott and his leadership</p> <p>20 of this agency, the direction that we're going and the</p> <p>21 outcomes that we're seeing. And the Board is 110</p> <p>22 percent behind you on these. And we -- we thank --</p> <p>23 thank you and your staff and the agency on your</p> <p>24 dedication.</p> <p>25 MR. SCOTT THOMPSON: Thank you.</p>
<p style="text-align: right;">74</p> <p>1 We're going to reconvene and I'll ask for a</p> <p>2 roll call.</p> <p>3 MS. QUIANA FIELDS: Mr. Blankenship?</p> <p>4 MR. DANIEL BLANKENSHIP: Yes.</p> <p>5 MS. QUIANA FIELDS: Mr. Ferrell?</p> <p>6 MR. SHANNON FERRELL: Yes.</p> <p>7 MS. QUIANA FIELDS: Mr. Griesel?</p> <p>8 MR. DAVID GRIESEL: Yes.</p> <p>9 MS. QUIANA FIELDS: Dr. Hammon?</p> <p>10 DR. TRACY HAMMON: Yes.</p> <p>11 MS. QUIANA FIELDS: Mr. Kinder?</p> <p>12 MR. JAMES KINDER: Yes.</p> <p>13 MS. QUIANA FIELDS: Mr. Mason?</p> <p>14 MR. STEVE MASON: Yes.</p> <p>15 MS. QUIANA FIELDS: Mr. Munson?</p> <p>16 VICE CHAIRMAN TIM MUNSON: Yes.</p> <p>17 MS. QUIANA FIELDS: Mr. Nicholson has left</p> <p>18 the meeting.</p> <p>19 Mr. Sims?</p> <p>20 MR. BILLY SIMS: Yes.</p> <p>21 MS. QUIANA FIELDS: Ms. Turner has left the</p> <p>22 meeting.</p> <p>23 Ms. Vaught?</p> <p>24 MS. CHERYL VAUGHT: Yes.</p> <p>25 MS. QUIANA FIELDS: Mr. Wendling.</p>	<p style="text-align: right;">76</p> <p>1 CHAIRMAN JAN KUNZE: And we have no official</p> <p>2 action following that session.</p> <p>3 I'll ask now if there's any new business?</p> <p>4 Anybody new business?</p> <p>5 The next meeting, currently the next meeting</p> <p>6 is set for June 14th here at the DEQ office in</p> <p>7 Oklahoma City. At this time, we're not aware of any</p> <p>8 rulemaking or budget items that will necessitate us</p> <p>9 having a meeting. So we'll continue to look at that,</p> <p>10 and I'll let the Board know if that meeting is going</p> <p>11 to be necessary. But we'll continue to work with</p> <p>12 Scott and the agency to see what items develop between</p> <p>13 now and time for the meeting.</p> <p>14 With that, I'm going to thank you guys --</p> <p>15 MR. STEVE MASON: Can I ask a question there?</p> <p>16 I think we had to meet last year, Scott, because we</p> <p>17 had to approve that new capital budget requirement for</p> <p>18 OMES. Is that taken care of for this year?</p> <p>19 MR. SCOTT THOMPSON: Kathy?</p> <p>20 MS. KATHY AEBISCHER: Yes. And last year we</p> <p>21 put two years' capital outlay requests, so you've</p> <p>22 approved for '17 and '18, and we're not going to -- we</p> <p>23 don't have any more capital outlay items, other than</p> <p>24 what you've already approved, the parking garage and</p> <p>25 the HVAC for the lab.</p>

<p>77</p> <p>1 MR. STEVE MASON: Thank you.</p> <p>2 CHAIRMAN JAN KUNZE: So right now it looks</p> <p>3 like that meeting may not be necessary, but we'll keep</p> <p>4 you informed. Things are always subject to change.</p> <p>5 Again, thank you guys for your support. And</p> <p>6 through this past year, I don't think there's anybody</p> <p>7 on this Board I haven't asked for help with something,</p> <p>8 and we'll continue that. And I appreciate everybody's</p> <p>9 support as we move forward.</p> <p>10 I'll ask now if we have a motion for</p> <p>11 adjournment?</p> <p>12 MR. SHANNON FERRELL: So move.</p> <p>13 MR. DANIEL BLANKENSHIP: Second.</p> <p>14 CHAIRMAN JAN KUNZE: I've got a motion and</p> <p>15 second to adjourn.</p> <p>16 MS. QUIANA FIELDS: Mr. Blankenship?</p> <p>17 MR. DANIEL BLANKENSHIP: Yes.</p> <p>18 MS. QUIANA FIELDS: Mr. Ferrell?</p> <p>19 MR. SHANNON FERRELL: Yes.</p> <p>20 MS. QUIANA FIELDS: Mr. Griesel?</p> <p>21 MR. DAVID GRIESEL: Yes.</p> <p>22 MS. QUIANA FIELDS: Dr. Hammon?</p> <p>23 DR. TRACY HAMMON: Yes.</p> <p>24 MS. QUIANA FIELDS: Mr. Kinder?</p> <p>25 MR. JAMES KINDER: Yes.</p>	<p>79</p> <p>1 ** CERTIFICATE **</p> <p>2 STATE OF OKLAHOMA)</p> <p>3) SS:</p> <p>4 COUNTY OF OKLAHOMA)</p> <p>5 I, Lynette Wrany, a Certified Shorthand Reporter</p> <p>6 within and for the State of Oklahoma, do hereby</p> <p>7 certify that I reported all of the foregoing meeting,</p> <p>8 and that I later reduced it to typewritten form, as</p> <p>9 the same appears herein.</p> <p>10 I further certify that I am not a relative of,</p> <p>11 nor attorney for, nor clerk or stenographer for any</p> <p>12 party to this meeting, and that I am not otherwise</p> <p>13 interested in the event of the same.</p> <p>14 I further certify that the above and foregoing</p> <p>15 typewritten pages contain a full, true and correct</p> <p>16 transcript of my stenography notes so taken during</p> <p>17 said hearing.</p> <p>18 WITNESS my hand and seal this the 25th day of</p> <p>19 February, 2016.</p> <p>20 </p> <p>21</p> <p>22</p> <p>23 LYNETTE WRANY, C.S.R.</p> <p>24 Oklahoma Certified Shorthand Reporter</p> <p>25 Certificate No. 1167</p> <p>Expiration Date: December 31, 2016</p>
<p>78</p> <p>1 MS. QUIANA FIELDS: Mr. Mason?</p> <p>2 MR. STEVE MASON: Yes.</p> <p>3 MS. QUIANA FIELDS: Mr. Munson?</p> <p>4 VICE CHAIRMAN TIM MUNSON: Yes.</p> <p>5 MS. QUIANA FIELDS: Mr. Sims?</p> <p>6 MR. BILLY SIMS: Yes.</p> <p>7 MS. QUIANA FIELDS: Ms. Vaughn?</p> <p>8 MS. CHERYL VAUGHT: Yes.</p> <p>9 MS. QUIANA FIELDS: Mr. Wendling?</p> <p>10 MR. JOHN WENDLING: Yes?</p> <p>11 MS. QUIANA FIELDS: Ms. Kunze?</p> <p>12 CHAIRMAN JAN KUNZE: Yes.</p> <p>13 The last item, and I am not aware — hang on,</p> <p>14 hang on a minute. I'm not aware that anybody has</p> <p>15 signed up for the public forum, but that option is</p> <p>16 available, if anybody has comments they'd like to</p> <p>17 bring to the board.</p> <p>18 If not, thank you guys. Adjourned.</p> <p>19 Meeting Adjourned - 11:45 A.M.</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	



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